

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on August 17, 2021, and due to COVID-19, some members attended virtually (v) at <https://kyletx.new.swagit.com/events/10421>; Spectrum 10 with the following persons present:

Mayor Travis Mitchell	Melissa Rodriguez
Mayor Pro Tem Rick Koch	Jeff Thompson
Council Member Dex Ellison (v)	Consuelo Castillo
Council Member Yvonne Flores-Cale	Tracy Scheel
Council Member Robert Rizo	Carlos Lopez
Council Member Ashlee Bradshaw	Tyson Moeller
Council Member Michael Tobias	Mark Jones
Scott Sellers, City Manager	
James Earp, Assistant City Manager (v)	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Samantha Armbruster, Communications Dir. (v)	
Grant Bowling, Video Production Specialist	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Andy Alejandro, Accounting Manager	
Connie Campa, Staff Accountant	
Sandra Duran, HR Director (v)	
Paul Phelan, Library Director	
Mariana Espinoza, PARD Director	
Howard Koontz, Community Dev Director	
Gary Stubbins, Building Official	
Jeff Barnett, Chief of Police	
Tim Griffith, Police Sergeant	
Philip Cleary, Police Officer	
Briana Brecher, Animal Control Officer	
Hannah-Bea Bickford, NIBRS Comp. Coord.	
Harper Wilder, Director of Public Works	
Julie Crookston, Asst. Director of Public Works	
Tim Samford, Div. Mgr. - Treatment Ops. (v)	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:02 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 Flores-Cale, Council Member Rizo, Council Member Bradshaw, and Council Member Tobias. Council Member Ellison did not respond for roll call, but Mayor Mitchell stated that he was present and was likely having technical difficulties. A quorum was present.

II. Approval of Minutes

1. City Council Special Meeting Minutes - July 27, 2021. ~ *Jennifer Holm, City Secretary*
2. City Council Special Meeting Minutes - July 31, 2021. ~ *Jennifer Holm, City Secretary*
3. City Council Special Meeting Minutes - August 3, 2021. ~ *Jennifer Holm, City Secretary*
4. City Council Meeting Minutes - August 3, 2021. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Tobias moved to approve the minutes of the July 27, 2021 Special Council Meeting, the minutes of the July 31, 2021 Special Council Meeting, the minutes of the August 3, 2021 Special Council Meeting, and the minutes of the August 3, 2021 Regular Council Meeting. Council Member Rizo seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:05 p.m.

Melissa Rodriguez, Executive Director of the Hays-Caldwell Women's Center, was called to speak as registered in favor of Item No. 32. She spoke about the organization having begun in 1978. She provided stats on cases in Hays County and those that were Kyle residents. She is in favor of a board for Human Services and spoke about prior funding provided by the City of Kyle to their program.

Jeff Thompson was called to speak as registered, on behalf of Corridor Interfaith Alliance for Families, in favor of Item No. 32. He is in favor of the City's creation of a board to find an equitable way to fund human services. He provided Biblical verses about serving others. He stated there is always enough money to help the needy.

Consuelo Castillo was called to speak as registered regarding Item No. 32. She stated that she was intrigued to find out that the City doesn't have a program to provide to non-profits.

Tracy Scheel was called to speak as registered for Item No. 26. She stated her excitement about the Arts Commission, until she saw the qualifications in tonight's agenda packet. She spoke about the professional requirements. She stated there is nothing to qualify or quantify this, because it is subjective. She asked Council to qualify or quantify that. Also, one ex officio member is to be a council member liaison. She stated no other board has this requirement.

With no one else 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 2021-2022, as amended by City Council on July 31, 2021, totaling approximately \$172.6 million for all City Funds, including a tax rate of \$0.5082 per \$100 assessed valuation, a 6.0% increase in water service rates, no changes in wastewater service rates, no changes in storm drainage fees, a 2.51% increase in solid waste service charges (trash collection) per contract terms, all other fees and charges for City services as provided for in the fee schedule, capital improvement

program expenditures, and the addition of 21.0 new full-time positions for a total of 302.0 full-time equivalent positions. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 5 for discussion.

Mayor Mitchell opened the public hearing at 7:17 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 7:17 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 \$0.5082 per \$100 assessed valuation for tax year 2021 (Fiscal Year 2021-2022). ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 6 for discussion.

Mayor Mitchell read into the record, "This is the 1st of two public hearings scheduled on the City's proposed ad valorem tax rates for Tax Year 2021 (Fiscal Year 2021-2022). The 2nd public hearing on the City's proposed ad valorem tax rates will be held at 7:00 p.m., on August 25, 2021, at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640. The City's ad valorem tax rates for Tax Year 2021 (Fiscal Year 2021-2022) are as follows:

No-New-Revenue Tax Rate: \$0.4977 per \$100

Voter-Approval Tax Rate: \$0.5083 per \$100

Proposed Tax Rate: \$0.5082 per \$100

The Kyle City Council is scheduled to consider a proposal to set the ad valorem tax rate at \$0.5082 per \$100.00 of assessed taxable valuation for Tax Year 2021 (Fiscal Year 2021-2022). The proposed ad valorem tax rate of \$0.5082 per \$100 is \$0.0119 or 2.3% below the City's current adopted tax rate of \$0.5201 per \$100. The City's proposed ad valorem tax rate of \$0.5082 per \$100 is above the No-New-Revenue tax rate of \$0.4977 per \$100 and below the Voter-Approval tax rate of \$0.5083 per \$100 for Tax Year 2021 (Fiscal Year 2021-2022). The Kyle City Council is scheduled to vote on the ad valorem tax rate later this meeting on 1st Reading of City Ordinance and on 2nd Reading of City Ordinance at 7:00 p.m. on August 25, 2021. 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 opened the public hearing at 7:20 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 7:20 p.m.

V. City Manager's Report

7. 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*
 - Up Up & Away event
 - Upcoming Budget worksession
 - Back to School Family Skate Night
 - Pie in the Sky event Sept 3-5th

- Squeeze Box event
- Founders Day Parade
- Texas DPS Crime Analyst Training Program Graduate, Ciara Chamberlain, KPD Senior Records Specialist

Mayor Mitchell brought forward the City Manager's Report.

Mr. Sellers stated that he will call up staff members to share the items on the City Manager's Report. Mr. Phelan presented on the Up Up & Away event, this Saturday. He stated that they have moved activities outside to mitigate any COVID concerns. Council Member Rizo asked whether there will be sanitation stations. Mr. Phelan affirmed. Ms. Espinoza spoke about the Back to School Family Skate Night this Friday at Gregg-Clarke Park. She continued that the final Market Day of the season - Sunday September 12 at Gregg-Clarke Park at the Ash Pavilion, with Squeeze Box as the theme. She also spoke about the Founders Day Parade in October. Mr. Sellers spoke about our final Upcoming Budget worksession Wednesday, August 25. Chief Barnett spoke about KPD Senior Records Specialist Ciara Chamberlain's completion and graduation from a four-week prestigious Texas DPS Crime Analyst Training Program.

VI. Presentation

8. Update on railroad siding relocation and overpass. ~ *Maria Castanon, HNTB*

Mayor Mitchell brought forward Item No. 8 for discussion. Mr. Carlos Lopez presented the item and introduced Ms. Castanon, and their virtual attendee, Tyson Moeller. He recognized Hays County Commissioner Mark Jones as being in attendance as well. Mr. Moeller provided information in response to council questions. Mr. Jones also provided information on this project. No action was taken.

9. Uber Kyle 3.14 program update. ~ *Jerry Hendrix, Chief of Staff*

Mayor Mitchell brought forward Item No. 9 for discussion. Mr. Hendrix presented the item. Mr. Moheet provided information regarding the budget for this program. No action was taken.

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

Mayor Mitchell brought forward the CIP/Road Projects and Consent Agenda. Mr. Barba presented the update. Mr. Earp provided information about Mary Kyle Hartson Park. Mr. Wilder provided information regarding contractors' challenges for supplies. No action was taken.

VII. Consent Agenda

Mayor Mitchell brought forward Consent Agenda Item Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 for consideration.

11. Approve the conveyance of a municipal utility easement to the City of Kyle, Hays County, Texas from Plum Creek Development Partners, Ltd. for the Heroes Memorial Park. ~ *Leon Barba, P.E., City Engineer*

City Council Meeting Minutes

August 17, 2021 - Page 5

Kyle City Hall

12. Approve the conveyance of a drainage easement to the City of Kyle, Hays County, Texas from Mountain Plum, LTD. for the Heroes Memorial Park. ~ *Leon Barba, P.E., City Engineer*
13. Approve the conveyance of a temporary construction easement to the City of Kyle, Hays County, Texas from Plum Creek Development Partners, LTD. for the Heroes Memorial Park. ~ *Leon Barba, P.E., City Engineer*
14. Approval of a temporary construction license agreement to the City of Kyle, Hays County, Texas and Stoddard Construction Company, Inc. from PC Operating Partners, LTD. for the La Verde Park project. ~ *Leon Barba, P.E., City Engineer*
15. Approve conveyance of a permanent 15' Electrical Easement and approve an Underground Agreement to Pedernales Electrical Cooperative (PEC) to provide electrical power to the wastewater treatment plant headworks. ~ *Leon Barba, P.E., City Engineer*
16. Approve Amendment No. 1 to Task Order No. 6 to LJA ENGINEERING, INC., Austin, Texas, in the amount of \$130,134.09 increasing the total contract amount not to exceed \$206,473.09 for the Anthem to Kohlers Crossing Waterline Connection Project. ~ *Leon Barba, P.E., City Engineer*
17. Approval of Change Order No. 2 to N.G. PAINTING, LP, Kerrville, TX, in an additional amount of \$3,200.00 increasing the total contract amount not to exceed \$395,200.00 for the purpose of providing additional work for Well #4 elevated storage tank located on Kohlers Crossing. ~ *Leon Barba, P.E., City Engineer*
18. Approval of Change Order No. 3, to ARCHER WESTERN CONSTRUCTION, LLC, Irving Texas, in an additional amount not to exceed \$3,676,597.00 increasing the total contract amount not to exceed \$34,014,667.00 for the purpose of constructing a Sludge Dewatering Facility at the Wastewater Treatment Plant Site. ~ *Leon Barba, P.E., City Engineer*
19. Approve a Resolution to record the annual review of the City's Investment Policy as required by the Public Funds Investment Act and to document findings that no changes to the policy or to the investment strategies are necessary in the 2021 review. ~ *Perwez A. Moheet, CPA, Director of Finance*
20. Approve a professional services agreement with P3WORKS, LLC, Austin, Texas, to provide Public Improvement District (PID) formation and administration services to the City of Kyle in association with the Kyle 57 PID. All costs incurred for services under this agreement will be paid through future PID assessments collected. ~ *J. Scott Sellers, City Manager*
21. Sludge Handling Services Agreement with Sheridan Environmental dba Sheridan Clearwater, LLC. ~ *Harper Wilder, Director of Public Works*
22. Approve Change Order No. 2 in the sum of \$329,334.46 to SMITH CONTRACTING CO. INC., Austin, TX, to address the increased price of 36" PVC and 12" PVC pipe for the Bunton Creek Interceptor project. ~ *Leon Barba, P.E., City Engineer*

23. Approve and ratify a purchase order to DIANNA L. TINKLER, Austin, Texas in the amount of \$16,012.90 for providing acquisition services for the Bunton Creek Interceptor project.
~ Leon Barba, P.E., City Engineer

24. A Resolution of the City Council of the City of Kyle, Texas accepting the 6 Creeks Boulevard, Phase 1, Section 3 (Right of Way Only) 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

Council Member Rizo moved to approve Consent Agenda Item Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

VIII. Consider and Possible Action

25. *(First Reading)* An Ordinance of the City of Kyle, Texas Continuing with Curfew for Minors Under Seventeen Years of Age per Sections 23-23 Through 23-30; Entitled Triennial Review; Providing for Enforcement; Establishing Criminal Penalties; and Setting an Effective Date.
~ Jeff Barnett, Chief of Police

Mayor Mitchell brought forward Item No. 25 for discussion. Chief Barnett presented the item.

Council Member Rizo moved to approve an Ordinance of the City of Kyle, Texas Continuing with Curfew for Minors Under Seventeen Years of Age per Sections 23-23 Through 23-30; Entitled Triennial Review; Providing for Enforcement; Establishing Criminal Penalties; and Setting an Effective Date. Council Member Flores-Cale seconded the motion.

There was discussion on the motion. Council Member Tobias thanked Chief Barnett for responding to his email. He stated that sometimes kids are walking home late, and he thanked Chief Barnett for the clarification on defenses. He continued that we need to educate our minor population. Chief Barnett spoke about the goal to get the juveniles home safe.

All votes aye; motion carried 7-0.

After the conclusion of Item No. 26, Mayor Mitchell asked whether there were any objections to this ordinance being finally passed. There were none.

26. Arts Commission Update. ~ Paul Phelan, Director of Library Services

Mayor Mitchell brought forward Item No. 26 for discussion. Mr. Phelan presented the item. No action was taken.

27. *(First Reading)* An Ordinance of the City of Kyle, Texas Amending the Code of Ordinances Sec 2-40. – Definitions, Sec. 2-43. - Term of Appointment, and Sec. 2-45 - Qualifications; Providing Exceptions; Providing an Effective Date; and Making Such Other Findings and Provisions Related Hereto. ~ J. Scott Sellers, City Manager

Mayor Mitchell brought forward Item No. 27 for discussion. Mr. Sellers presented the item.

Mayor Pro Tem Koch moved to approve an Ordinance of the City of Kyle, Texas Amending the Code of Ordinances Sec 2-40. – Definitions, Sec. 2-43. - Term of Appointment, and Sec. 2-45 - Qualifications; Providing Exceptions; Providing an Effective Date; and Making Such Other Findings and Provisions Related Hereto. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Ellison stated that this is a problem largely created by Council not attending to their boards and commissions. He spoke about onboarding, help them along the way in a joint meeting, we wouldn't have to be doing this because the members would be educated from the beginning of their terms. He feels this is a Band-Aid for an issue the Council needs to address by being more available to the boards and commissions.

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 Flores-Cale voted nay; Mayor Mitchell voted aye; Council Member Bradshaw voted aye; and Council Member Rizo voted aye. Motion carried 6-1.

Mayor Mitchell called a recess at 10:11 p.m.

Mayor Mitchell called the meeting back to order at 10:23 p.m.

30. *(First Reading)* An Ordinance to update the City of Kyle Building and Trades code standards from the 2015 Edition to the 2021 Edition of the ICC code, and to update the electric standard from the 2014 Edition to the 2020 Edition of the National Electric Code, and providing for local amendments to the 2021 International Fire Code. ~ Gary Stubbins, Building Official

Mayor Mitchell brought forward Item No. 30 for discussion out of order, after Item No. 27.

Mr. Stubbins presented the item. Mark Shultz with the Kyle Fire Department was also in attendance to assist with the presentation.

Mayor Mitchell moved to approve an Ordinance to update the City of Kyle Building and Trades code standards from the 2015 Edition to the 2021 Edition of the ICC code, and to update the electric standard from the 2014 Edition to the 2020 Edition of the National Electric Code, and providing for local amendments to the 2021 International Fire Code. Council Member Flores-Cale seconded the motion.

All votes aye; motion carried 7-0. Mayor Mitchell asked whether there were any objections to having this ordinance finally passed. There were none.

28. *(First Reading)* Approve an Ordinance of the City of Kyle, Texas, adopting a budget totaling \$172.6 million for all City Funds for the ensuing fiscal year beginning October 1, 2021 and ending September 30, 2022; appropriating revenue and expenditure amounts thereof for all City Funds, authorizing a 6.0 percent increase in water service rates, no changes in wastewater service rates, no changes in storm drainage fees, a 2.51 percent increase in solid waste service charges, all other fees and charges for City services as provided for in the fee schedule, capital improvement program expenditures, addition of twenty-one (21.0) new full-time positions for a total of 302.0 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. 28 for discussion after Item No. 30. Mr. Sellers presented the item.

Council Member Ellison moved to remove the amount of \$128,000 for the Federal Lobbyist. Council Member Flores-Cale seconded the motion.

There was discussion on the motion. When Mayor Mitchell repeated the motion he asked whether Council Member Ellison intended to include reducing the Fine Revenue line as well. Council Member Ellison stated in order to keep his motion concise, he will bring that forward in a separate motion. Council Member Ellison also stated that he heard Council Member Tobias second the motion. Council Member Flores-Cale asked whether it was state or federal or both. Council Member Ellison stated that so far he's only motioned to remove the funding – he asked Mr. Sellers or Mr. Moheet to provide the dollar amount . Mr. Sellers stated that the federal lobbyist is \$172,000. Mr. Moheet stated that currently the line item has \$300,000. Council Member Ellison stated, "So \$128,000," and Mr. Sellers affirmed. Council Member Ellison stated his motion is to reduce that line by \$128,000 for the lobbyist position. Council Member Ellison clarified and amended his motion to include, "in order to allocate funding for patrol officers." Council Member Ellison stated that he takes back the first motion. Council Member Ellison stated that his motion to clarify is to reduce the lobbyist line-item budget by \$128,000 in order to allocate funding for patrol officers." Council Member Rizo seconded the amendment. Mayor Mitchell sought more clarification because he stated there are already two patrol officers in the budget and the item that funds that is not the lobbyist budget, but rather the \$190,000 and change in citations. Mayor Mitchell stated the motion is really three things: keep the patrol officers, reduce the lobbyist by \$128,000, and reduce the increase in revenues proportion from \$190,000 to \$62,000. Mr. Moheet stated that what he had heard earlier was that this is a stand-alone motion. Council Member Ellison stated that he would like to take away the funding source from the citation increases. He amended his motion to reduce Item 1f to the amount to zero from the increase in citation revenues, reduce the lobbyist line item by \$128,000, allocate \$128,000, and the two patrol positions that are already approved in the amount of \$171,000. He stated he wants to make a separate motion because he has an additional place where he would recommend Council find that funding, but he was trying not to make such a convoluted motion. He stated his goal is to increase the patrol officer hiring and not take it from increased citation funds. Mayor Mitchell asked whether Council Member Ellison's goal is to go from two to four. Council Member Ellison affirmed. Mayor Mitchell stated that he thinks Council Member Ellison intends to reduce Item 1f from \$190,000 to \$62,000 and eliminate the funding for the lobbyist. Council Member Ellison added "by \$128,000," and he continued that it's not both lobbyists, just the state lobbyist. Mayor Mitchell asked Mr. Moheet whether that is clear. Mr. Moheet stated that he hears the motion to read to reduce the fines by \$190,000, reduce the lobbyist budget line-item by \$128,000. Mayor Mitchell stopped him and stated that you can only reduce the fines to \$62,000 unless you find another \$62,000 to reduce the rest, and that hasn't even started the increase on patrol officers. Council Member Ellison stated that he was trying to keep this short, but yes, it would need to go from \$192,000 to \$62,000 from 1f, and in order to do that, decreasing the lobbyist line-item by \$128,000. Mayor Mitchell stated that there's been a request to make any changes one item at a time, which he acknowledged is what Council Member Ellison was trying to do at the beginning. He suggested taking it one item at a time, starting with the

state lobbyist budget. Council Member Ellison moved to remove \$128,000 from the lobbyist budget. Council Member Flores-Cale seconded the motion. Mayor Mitchell repeated that the motion is to reduce the lobbyist budget from \$300,000 to \$172,000. There was discussion on the motion. Council Member Bradshaw stated that Council Member Ellison mentioned talking to the task force and she would like to know which task force he was referring to. Council Member Ellison stated it was the Prop F task force. Council Member Bradshaw then asked Mr. Sellers whether the state lobbyist are able to bring in funds specifically for the police department. Mr. Sellers stated that he would need to have input from Chief Barnett. Mr. Sellers continued that there are state and federal funds available, which the City has applied for and been successful in the past; however, the rules have recently changed where federal dollars coming to Cities have more strings attached. He said a lobbyist would have access to funding that is outside the traditional federal or state pass-throughs. Council Member Bradshaw asked Chief Barnett whether a state lobbyist could bring in additional funds for police positions. Chief Barnett stated that Mr. Sellers summarized it well, the traditional path through the Office of the Attorney General and then the Governor. He stated that the grant periods are well open to cities to apply for with the exception of the strings that the city manager outlined, whereas a lobbyist would be a non-traditional manner. He said he wouldn't say impossible, but that it hasn't been his experience, and he has only had grant funded positions. Council Member Flores-Cale asked whether other cities have used a lobbyist to fund police officers. She stated that she hasn't seen any information supporting what can be provided to a city by a lobbyist. Mayor Mitchell stated that the focus of employing a lobbyist isn't for any specific department or specific funding item. He stated that it is to raise funds the City otherwise would not have access to or raise influence that the City generally would not be able to. He spoke about the pipeline and how their influence was such that the City found out about it in the paper, after it was too late. He would like the City to have the ability to negotiate a situation like that. He continued that economic development deals are generally through the state, and a state lobbyist could help with a high-level economic development prospect. He spoke about CAMPO and prioritization of projects. He spoke about the fines increase, that officers could effectively pay for themselves, while a lobbyist would be an investment of a different priority. He cannot support cutting the lobbyist funding. He spoke about other positions that the City could use before upping two officers to four. Council Member Bradshaw asked how long it will take to start seeing those funds. Mayor Mitchell stated that the expectation is to see considerable headway. Council Member Flores-Cale asked whether there is a guarantee that we will receive money by having a lobbyist. Mr. Sellers stated there are no guarantees. Council Member Flores-Cale believes that two lobbyists in one year is too much. Mayor Mitchell stated that if the Council doesn't hire someone, there won't be any provision, so the guarantee is on the other side. Council Member Tobias stated that he sees both sides of this issue. He stated that he spoke to the Chief about how many officers are on duty at any given time and the response was four or more. He feels that additional officers will help with recruiting. He stated that there are no guarantees, and we are still in a crisis with the pandemic. He thinks with an additional four officers we will get our staff counts up. Council Member Rizo asked whether the City was going to increase the fines, or increase the amount of tickets. Mr. Sellers stated that the budget is showing an increase in those revenues. Council Member Rizo stated that a San Marcos former council member told him about funding that was acquired through their lobbyist. He stated that all the needs for the City, public safety includes police department, roadways, everything. He spoke about his preference for a federal lobbyist to help us take advantage of infrastructure. Council Member Ellison stated that he understands that if you don't get a lobbyist you have no chance, but there are no guarantees if you do. He stated that there has not be a legitimate presentation on what this could bring to the City. He

spoke about the objective being to add more patrol officers and he is trying to find funding sources to make that objective. Council Member Ellison and Mayor Mitchell exchanged opinions about the appropriateness of bringing forward funding sources to the task force. Mayor Pro Tem Koch stated that the question before us is whether or not it is appropriate to cut a portion or all of the lobbyist funding. He stated that after that, Council Members can then bring forward ideas for funding. He is not against funding officers, but he would have to vote nay on this motion because he is opposed to cutting the lobbyist funding when the government is giving away more money than ever before due to the pandemic.

Mayor Mitchell recapped the motion, to cut the lobbyist line item, and requested a roll call vote. Council Member Tobias voted aye; Mayor Pro Tem Koch voted nay; Council Member Flores-Cale voted aye; Council Member Bradshaw voted nay; Council Member Rizo voted nay; Mayor Mitchell voted nay; and Council Member Ellison voted aye. Motion failed 3-4.

Council Member Rizo moved to promote the Chief of Staff to Assistant City Manager, reduce the Deputy City Manager to Assistant City Manager and adjust funding accordingly. Mayor Pro Tem Koch seconded the motion. All votes aye; motion carried 7-0.

Mayor Mitchell moved to fund two additional police officer and adjust sales tax projections. Mayor Pro Tem Koch seconded the motion.

There was discussion on the motion. Council Member Ellison proposed that all four officers be funded from revenue sales tax projections. Mayor Mitchell stated that this motion is on the floor, another motion may be made to adjust the funding source of the other two.

All votes aye; motion carried 7-0.

Council Member Ellison moved to reduce the line item for the funding for citations and fines by \$190,000 and increase sales tax revenues by the same amount to fund the two police officers. Council Member Flores-Cale seconded the motion.

Motion carried 6-1 with Mayor Mitchell dissenting.

Mayor Mitchell moved to approve the budget as amended. Mayor Pro Tem Koch seconded the motion.

Mayor Mitchell requested a roll call vote.

Council Member Bradshaw voted aye; Council Member Rizo voted aye; Mayor Mitchell voted aye; Council Member Tobias voted aye; Council Member Ellison voted nay; Council Member Flores-Cale voted aye; and Mayor Pro Tem Koch voted aye. Motion carried 6-1.

29. *(First Reading)* Approve an Ordinance of the City of Kyle, Texas, fixing the ad valorem tax (property tax) rate for Tax Year 2021 (Fiscal Year 2021-2022) at \$0.5082 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, 2021 and ending September 30, 2022; 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. 29 for discussion. Mr. Sellers presented the item.

Council Member Flores-Cale moved to approve an Ordinance of the City of Kyle, Texas, fixing the ad valorem tax (property tax) rate for Tax Year 2021 (Fiscal Year 2021-2022) at \$0.5082 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, 2021 and ending September 30, 2022; 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 Rizo seconded the motion.

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

31. Developing a Smart Cities Initiative and Creating a City Council Task Force. ~ *Robert Rizo, Council Member*

Mayor Mitchell brought forward Item No. 31 for discussion after Item No. 29 and gave the floor to Council Member Rizo.

Council Member Rizo moved to approve a meeting between Honeywell, Mayor, Mayor Pro Tem, and Council Member Rizo regarding a Smart Cities Initiative. Council Member Flores-Cale seconded the motion.

There was discussion on the motion. Mayor Mitchell asked Council Member Rizo if he really wants him there because of his opposition to the prior Honeywell presentations. Council Member Rizo stated that Mayor Mitchell would have the biggest questions and that's what makes it important that he is there. He stated that he believes this will be a win for the City. He spoke about Kyle's core value Leading Edge and stated that the City of Kyle will lead the way for other cities. Council Member Ellison asked for clarification. Council Member Rizo stated that he doesn't want a task force because he doesn't want to limit Council, and instead invites all of Council to bring questions to Honeywell. Council Member Ellison spoke about having voted against the Honeywell initiatives along with the mayor. He also clarified that it's been said before that even if a council member is not on the task force, they can still reach out and have their questions answered.

Motion carried 6-1 with Council Member Ellison dissenting.

32. Discussion and possible action on implementing a process to create a Human Services Board/Commission to review, advise, and create an equitable and fair process for allocating grant funding to non-profits organizations serving in the Kyle area. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 32 for discussion and gave the floor to Council Member Ellison. Council Member Ellison stated he would like to postpone Item 32 to the next regularly scheduled council meeting. No action was taken.

IX. Executive Session

33. 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.
 - Possible Creation of TIRZ
 - Sludge Handling Services Agreement
 - Akin Gump Agreement
 - Water Tank Painting Contract
 - Pie in the Sky Contracts
 - Proposal with BGK Architects
 - Cromwell Sidewalk
 - Frontage Road Properties
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - Property Acquisition
 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 MBA
 - Project SUFC
 - Project Deep Golden
 - Project Vincere

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 - Pie in the Sky Contracts; Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - Property Acquisition; 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 MBA, Project SUFC, Project Deep Golden, and Project Vincere.” The City Council convened into executive session at 12:02 a.m. on August 18, 2021.

34. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 1:24 a.m. on August 18, 2021. Mayor Mitchell announced that no action took place in Executive Session but action may be taken now.

Council Member Tobias moved to cancel the Pie in the Sky festival for 2021. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Rizo stated that he was looking forward to this event, but the pandemic continues and out of care for the staff, the City should cancel.

Motion carried 6-1 with Council Member Bradshaw dissenting.

X. Adjourn

Mayor Mitchell moved to adjourn. Council Member Tobias seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 1:26 a.m. on August 18, 2021.



Travis Mitchell, Mayor

Attest:



Jennifer Holm, City Secretary