

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on December 16, 2021 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Ryan Rosborough
Council Member Dex Ellison	Brett Bowers
Council Member Yvonne Flores-Cale	
Council Member Robert Rizo	
Council Member Ashlee Bradshaw	
Council Member Daniela Parsley	
Council Member Michael Tobias	
Scott Sellers, City Manager	
Jerry Hendrix, Assistant City Manager	
Amber Lewis, Assistant City Manager	
Veronica Rivera, Assistant City Attorney	
Samantha Armbruster, Communications Dir.	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Matt Dawson, IT Director	
Interim Senior Planner, William Atkinson	
Tim Griffith, Police Lieutenant	
Harper Wilder, Director of Public Works	

### **I. Call Meeting to Order**

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

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

### **III. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 7:08 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:08 p.m.

### **II. Approval of Minutes**

1. City Council Special Meeting Minutes - December 6, 2021. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - December 6, 2021. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion after Citizen Comment Period. Council Member Tobias moved to approve the minutes of the December 6, 2021 Special Council Meeting and the minutes of the December 6, 2021 Council Meeting. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

#### **IV. City Manager's Report**

3. 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*
  - December City Holidays (No City Council Meeting - 12/21)
  - Planning and Zoning Commission/Library Board openings
  - Santa Rides Through Kyle Recap
  - Polar Bear Splash
  - National Bird and Trail Walk
  - Z Tejas Announcement

Mayor Mitchell brought forward the City Manager's Report.

Mr. Sellers spoke about December City Holidays - there will be no City Council Meeting on 12/21/2021. He stated that there are vacancies on Planning and Zoning Commission (2) and Library Board (1). Mr. Hendrix presented a recap on the Santa Rides Through Kyle. He thanked Parks and Recreation, Public Works, and Police Departments and all the staff that helped with the sleigh. He also spoke about Polar Bear Splash, registration is open. Mr. Hendrix stated that on January 5th at 9:00 a.m. there will be a National Bird and Trail Walk that will begin at Cool Springs Pool. Ms. Torres stated that Z Tejas Restaurant will be coming to Kyle at the Dry River District. She provided details about employment and owner-occupied building. No action was taken.

#### **VII. Executive Session**

18. 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.
    - Savannah Development Agreement
    - Heroes Memorial Park Detention
    - Prairie Lakes Consent and Development Agreement
  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 Strawberry

With no objections, Mayor Mitchell brought forward Item No. 18 after the conclusion of the City Manager's Report.

Council Member Flores-Cale 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 - Savannah Development Agreement; and Prairie Lakes Consent and Development Agreement.”

The City Council convened into executive session at 7:18 p.m.

19. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 8:46 p.m.

Mayor Mitchell announced that no action took place in Executive Session, but action would be taken now.

Mayor Mitchell moved to authorize the City Manager to proceed with negotiations regarding the Savannah Development Agreement which is Toll Brothers and to bring back agreements as they become available. Council Member Bradshaw seconded the motion. All votes aye; motion carried 7-0.

#### **V. Consent Agenda**

Mayor Mitchell brought forward the Consent Agenda and asked whether there were any items to be pulled, other than Item No. 8. Council Member Flores-Cale pulled Item No. 12. Mayor Mitchell brought forward Item Nos. 4, 5, 6, 7, 9, 10, and 11 for consideration.

4. Approve Task Order No. 2 to K FRIESE & ASSOCIATES, INC., Austin, Texas in an amount not to exceed \$54,410.00 for developing plans, specifications, and estimate for providing new electrical services to homes and businesses affected by the relocation of Pedernales overhead lines along the perimeter of Old City Hall, Downtown Kyle. ~ *Leon Barba, P.E., City Engineer*
5. Plum Creek Phase 2, Section 2 - Final Plat (SUB-21-0211) 55.026 acres; 201 single family lots, 2 public utility easements., 1 public utility easement - open space - landscape easement lot, 4 open space lots, 2 open space - landscape easements, 1 drainage easement - open space and landscape easement lot for property located off Kohler's Crossing and Jack C. Hays Trails. ~ *William Atkinson, Senior Planner*

*Planning and Zoning Commission is scheduled to meet on December 14th.*

6. Plum Creek Phase 1, Section 6A, Block B - Site Plan (SD-21-0107) 1.62 acres; 1 Multi-Family Residential lot for property located at 5711 FM 2770. ~ *William Atkinson, Senior Planner*

*Planning and Zoning Commission is scheduled to meet on December 14th.*

7. Plum Creek Phase II, Section 10, Lot 2 - Final Plat (SUB-21-0225) 5.246 acres; 1 Lot for property located off FM 1626 and Rikardson. ~ *William Atkinson, Senior Planner*

*Planning and Zoning Commission is scheduled to meet on December 14th.*

9. A Resolution of the City Council of the City of Kyle, Texas accepting the Cool Springs Subdivision Phase III 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*
10. Consideration and possible action to select BOKF, NA as trustee and authorize negotiation and execution of a Services Agreement with BOKF, NA for trustee services in connection with bonds to be issued for the Kyle 57 Public Improvement District. ~ *Paige Saenz, City Attorney*
11. Consideration and possible action to select BOKF, NA as trustee and authorize negotiation and execution of a Services Agreement with BOKF, NA for trustee services in connection with bonds to be issued for the Plum Creek North Public Improvement District. ~ *Paige Saenz, City Attorney*

Council Member Rizo moved to approve Consent Agenda Item Nos. 4, 5, 6, 7, 9, 10, and 11.  
Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

8. Plum Creek Phase II, Section 10 - Final Plat (SUB-21-0226) 171.05 acres; 6 commercial lots located off FM 1626 and Rikardson. ~ *William Atkinson, Senior Planner*

*Planning and Zoning Commission meeting is scheduled for December 14th.*

Mayor Mitchell brought forward Item No. 8 and gave the floor to Council Member Flores-Cale who pulled the item. Council Member Flores-Cale stated that her employer may have a conflict of interest and she wished to recuse herself.

Council Member Flores-Cale left the dais at 8:48 p.m.

Mayor Mitchell moved to approve Plum Creek Phase II, Section 10 - Final Plat (SUB-21-0226) 171.05 acres; 6 commercial lots located off FM 1626 and Rikardson. Council Member Tobias seconded the motion. All votes aye; motion carried 6-0 with Council Member Flores-Cale's recusal.

Council Member Flores-Cale returned to the dais at 8:49 p.m.

12. Approve a Resolution of the City Council authorizing the creation of an employee benefits trust; designating all members of the City Council to be trustees of said trust; and authorizing the trust to purchase various forms of insurance including health, dental, vision, and life insurance, and disability benefits for the benefit of City officers, employees, qualified retirees, and their eligible dependents. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 12 and gave the floor to Council Member Flores-Cale who pulled the item. Mr. Moheet presented the item.

Council Member Ellison moved to approve a Resolution of the City Council authorizing the creation of an employee benefits trust; designating all members of the City Council to be trustees

of said trust; and authorizing the trust to purchase various forms of insurance including health, dental, vision, and life insurance, and disability benefits for the benefit of City officers, employees, qualified retirees, and their eligible dependents. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Rizo thanked Council Member Flores-Cale for her questions. Assistant City Attorney Rivera said she would research the legislative updates and report back to Council concerning the liability questions posed. Council Member Ellison asked Council Member Flores-Cale if it was to research individual liability or as an elected official's liability. Council Member Flores-Cale stated that it lessens protection as an elected official, making it more of a liability as an individual. Mayor Mitchell stated he would like to know the answer and appreciates the questions. He said that if it created individual liability, he would like to know.

Council Member Ellison rescinded his motion. Mayor Mitchell stated that the item would be tabled for now.

#### **VI. Consider and Possible Action**

13. Approve a contract with AG|CM. Inc. in an amount not to exceed \$42,000.00 for Owner's Representation Services related to the Kyle Senior and Community Center. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 13 for discussion. Mr. Sellers introduced Ryan Rosborough with AG|CM who presented the item.

Council Member Rizo moved to approve a contract with AG|CM. Inc. in an amount not to exceed \$42,000.00 for Owner's Representation Services related to the Kyle Senior and Community Center. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

14. *(First Reading)* An Ordinance of the City of Kyle, Texas, Establishing an Arts Commission and Providing for General Powers and Duties, Providing for Qualifications for Appointment, Providing for the Appointment of Officers, and Providing for Other Related Matters. ~ *Paul Phelan, Director of Library Services*

Mayor Mitchell brought forward Item No. 14 for discussion. Mr. Hendrix presented the item.

Council Member Flores-Cale moved to approve an Ordinance of the City of Kyle, Texas, Establishing an Arts Commission and Providing for General Powers and Duties, Providing for Qualifications for Appointment, Providing for the Appointment of Officers, and Providing for Other Related Matters. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

With no objections, the item was finally passed.

15. Discussion on scheduling a date and other necessary related items for the 2022 visioning workshop of council and pertinent staff. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 15 for discussion and gave the floor to Council Member Ellison. No action was taken.

16. Consider options for the creation of a policy for councilmember task forces to adhere by. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 16 for discussion and gave the floor to Council Member Ellison.

Mayor Mitchell moved to direct staff to bring back a policy consistent with what was outlined by Council Member Ellison for councilmember task forces to adhere by. Council Member Ellison seconded the motion.

There was discussion on the motion. Mayor Mitchell asked that City Attorney Saenz not be assigned this task, but rather a staff member. Mayor Mitchell said to perhaps have Ms. Saenz review the drafted version.

All votes aye; motion carried 7-0.

17. Create an ad-hoc committee (with a specific dissolve date) for the purposes of reviewing, looking for best practices or examples and putting together recommendations to bring back to council for consideration of further input and possible adoption of an updated Policy on Soliciting Memberships for Boards & Commissions. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 17 for discussion and gave the floor to Council Member Ellison.

Mayor Mitchell moved to approve the creation of an ad-hoc committee with a dissolve date of the first meeting in February to appoint Council Member Flores-Cale, Council Member Parsley, and Council Member Tobias for the purposes of reviewing, looking for best practices or examples and putting together recommendations to bring back to council for consideration of further input and possible adoption of an updated Policy on Soliciting Memberships for Boards & Commissions. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Flores-Cale stated that Council Member Tobias is full of great ideas.

All votes aye; motion carried 7-0.

12. Approve a Resolution of the City Council authorizing the creation of an employee benefits trust; designating all members of the City Council to be trustees of said trust; and authorizing the trust to purchase various forms of insurance including health, dental, vision, and life insurance, and disability benefits for the benefit of City officers, employees, qualified retirees, and their eligible dependents. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought back Item No. 12 after Item No. 17. Assistant City Attorney Rivera presented her findings. Brett Bowers with HUB International provided information regarding conflict-of-interest questions.


Mayor Mitchell moved to approve a Resolution of the City Council authorizing the creation of an employee benefits trust; designating all members of the City Council to be trustees of said trust; and authorizing the trust to purchase various forms of insurance including health, dental, vision,

and life insurance, and disability benefits for the benefit of City officers, employees, qualified retirees, and their eligible dependents. Council Member Ellison seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

**VIII. Adjourn.**

Mayor Mitchell moved to adjourn. Council Member Flores-Cale seconded the motion. No vote was taken.

With no further business to discuss, the City Council adjourned at 10:28 p.m.

  
\_\_\_\_\_  
Travis Mitchell, Mayor

Attest:

  
\_\_\_\_\_  
Jennifer Holm, City Secretary