

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on February 2, 2022 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Adrienne Donatucci
Mayor Pro Tem Robert Rizo	Todd Kaiser
Council Member Dex Ellison	Tommy Kosarek
Council Member Yvonne Flores-Cale	Albert Cortez
Council Member Ashlee Bradshaw	Jon Snyder
Council Member Daniela Parsley *	
Council Member Michael Tobias	
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Jerry Hendrix, Assistant City Manager	
Amber Lewis, Assistant City Manager	
Paige Saenz, City Attorney	
Matt Dawson, IT Director	
Samantha Armbruster, Communications Dir.	
Grant Bowling, Video Production Specialist	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
William Atkinson, Senior Planner	
Sandra Duran, HR Director	
Harper Wilder, Public Works Director	
Julie Crookston, Asst. Director of Public Works	
Mariana Espinoza, Parks & Recreation Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

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

II. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:00 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:01 p.m.

*One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

III. Consent Agenda

Mayor Mitchell brought forward the Consent Agenda and asked whether there were any items to be pulled. There were none. Mayor Mitchell brought forward Item Nos. 1, 2, and 3 for consideration.

1. Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Paramount Section Two subdivision 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*
2. Letter of Engagement by and between the City of Kyle and P3Works, LLC, for consulting services related to the contemplated City of Kyle Limestone Creek Public Improvement District. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*
3. Letter of Engagement by and between the City of Kyle and P3Works, LLC, for consulting services related to the contemplated City of Kyle Hillside Terrace Public Improvement District. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

Mayor Pro Tem Rizo moved to approve Consent Agenda Item Nos. 1, 2, and 3. Council Member Bradshaw seconded the motion. All votes aye; motion carried 7-0.

IV. Consider and Possible Action

4. Authorize award and execution of a contract with BURGESS AND NIPLE, INC., Austin, Texas, in an amount not to exceed \$158,190.00 for updating the City's wastewater system model. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 4 for discussion. Before the item was presented, Council Member Flores-Cale called a point of order. She stated the Rules of Council as adopted have council-sponsored agenda items at the top of the section. Item Number 11 is at the bottom.

Mayor Mitchell said the order was sustained. He wanted to place the item at the end. He said more discussion was needed and this would give an opportunity to get through staff items first.

Mayor Mitchell moved to suspend the rules of council and allow for that item to be taken up at the end. Mayor Pro Tem Rizo seconded the motion.

There was discussion on the motion. Council Member Bradshaw stated that she is glad this came forward because she will bring forward at the next regular meeting an item to allow for an exception or case-by-case basis. Council Member Flores-Cale asked how this happened and stated she would like to see consistency. Ms. Saenz stated it was advisable given that the rules now state the council directed requested agenda items go to the top of the agenda under the category where they fit, that they be placed there, and the rules of council can be suspended and that can be taken up at the meeting and the council can decide to reorder those at the meeting. She said the other option was that if a council member requests an item to be on the agenda, they can specifically request to be placed at the end.

Mayor Mitchell called for the vote on the floor. The vote count was not clear. Mayor Mitchell requested a roll call vote.

Council Member Parsley voted aye; Mayor Pro Tem Rizo voted aye; Council Member Tobias voted nay; Council Member Ellison voted aye; Council Member Bradshaw voted aye; Mayor Mitchell voted aye; and Council Member Flores-Cale voted nay. Motion carried 5-2.

Mayor Mitchell moved forward with the agenda as printed. Mr. Barba presented the item.

Mayor Pro Tem Rizo moved to authorize award and execution of a contract with Burgess and Niple, Inc, Austin, Texas, in an amount not to exceed \$158,190.00 for updating the City's wastewater system model. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

5. Authorize award and execution of a Purchase Order to SHI, a member of BuyBoard, in an amount not to exceed \$212,501.53, for the purpose of providing services from Cartegraph, for an asset management and work order system, implementation, and support services, to be utilized by Public Works, Parks and Recreation, Facilities, and Environmental Services and Trades Departments. ~ *Matt Dawson, Director of IT*

Mayor Mitchell brought forward Item No. 5 for discussion. Mr. Dawson presented the item. Ms. Crookston also provided information on the item.

Council Member Flores-Cale moved to authorize award and execution of a Purchase Order to SHI, a member of BuyBoard, in an amount not to exceed \$212,501.53, for the purpose of providing services from Cartegraph, for an asset management and work order system, implementation, and support services, to be utilized by Public Works, Parks and Recreation, Facilities, and Environmental Services and Trades Departments. Council Member Bradshaw seconded the motion.

There was discussion on the motion. Council Member Tobias asked for clarification about owning the data and upgrading the software. He asked if we bought the software and in two years there were upgrades to the software if this type of purchase would include continual updates. Mr. Dawson stated that there are many perks to the subscription model that most platforms were moving toward, and that is certainly one of them. Mr. Dawson said one of the main purposes was the constant upgrade.

All votes aye; motion carried 7-0.

6. *(Second Reading)* An Ordinance amending Chapter 41 (Subdivisions) of the City of Kyle, Code of Ordinances for the purpose of modifying Sec. 41-1 Definitions (Municipal Utility Easement); Sec. 41-137 Streets, Sec. 41-139 – Crosswalks, Sec. 41-143 Sidewalks & Sec. 41-146 Streetlights, for the purpose of adding requirements for the city-wide trail system. (The Vybe). ~ *Will Atkinson, Senior Planner*

Planning and Zoning Commission voted 4-0 to recommend approval.

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

Mayor Mitchell brought forward Item No. 6 for discussion. Mr. Atkinson presented the item.

Mayor Pro Tem Rizo moved to approve an Ordinance amending Chapter 41 (Subdivisions) of the City of Kyle, Code of Ordinances for the purpose of modifying Sec. 41-1 Definitions (Municipal Utility Easement); Sec. 41-137 Streets, Sec. 41-139 – Crosswalks, Sec. 41-143 Sidewalks & Sec. 41-146 Streetlights, for the purpose of adding requirements for the city-wide trail system. (The Vybe). Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

7. *(Second Reading)* An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances for the purpose of modifying Sec. 53-33(n)(4) Parking, Sec. 53-892 Districts and Boundaries, adding Sec. 53-900, and amending Exhibit A, Plum Creek Planned Unit Development, Art. II, Section 1, for the purpose of adding requirements for the city-wide trail system (The Vybe). ~ *Will Atkinson, Senior Planner*

P&Z voted to approve the exhibits as written with one amendment. The amendment is to allow a maximum of 20% of the parking to be replaced with golf cart parking, with a maximum of 26 golf cart spaces.

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

Mayor Mitchell brought forward Item No. 7 for discussion. Mr. Atkinson presented the item.

Mayor Pro Tem Rizo moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances for the purpose of modifying Sec. 53-33(n)(4) Parking, Sec. 53-892 Districts and Boundaries, adding Sec. 53-900, and amending Exhibit A, Plum Creek Planned Unit Development, Art. II, Section 1, for the purpose of adding requirements for the city-wide trail system (The Vybe). Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

8. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter 47, Article I, By Amending Section 47-1 Definitions; Amending Article VI, By Amending Section 47-182 Permitted Locations of Operation, And Section 47-183 Registration Permit; And Providing for Related Matters. ~ *Jeff Barnett, Chief of Police*

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

Mayor Mitchell brought forward Item No. 8 for discussion. Chief Barnett presented the item.

Mayor Pro Tem Rizo moved to approve an Ordinance of the City of Kyle, Texas, Amending Chapter 47, Article I, By Amending Section 47-1 Definitions; Amending Article VI, By Amending Section 47-182 Permitted Locations of Operation, And Section 47-183 Registration Permit; And Providing for Related Matters. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

9. Discussion and possible action on a Resolution of the City Council of the City of Kyle, Texas accepting the petition for creation of the Savannah Public Improvement District and calling a public hearing on the proposed PID creation for March 1, 2022. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 9 for discussion. Mr. Sellers presented the item.

Mayor Pro Tem Rizo moved to approve a Resolution of the City Council of the City of Kyle, Texas accepting the petition for creation of the Savannah Public Improvement District and calling a public hearing on the proposed PID creation for March 1, 2022. Council Member Bradshaw seconded the motion.

There was discussion on the motion. Mayor Mitchell asked the developer, Ms. Adrienne Donatucci representing Toll Brothers if they were comfortable with the direction the council was going. Ms. Donatucci stated they felt they had put together a schedule that all teams could adhere to and that they are comfortable with the direction.

All votes aye; motion carried 7-0.

10. Presentation of the Downtown Master Plan and direction to staff to draft associated code amendments to implement Downtown Overlay and Architectural Standards. ~ *William Atkinson, Senior Planner*

Mayor Mitchell stated that there was an element of the item that council desired to discuss first in executive session before the entire presentation was to be provided by Mr. Atkinson. Mayor Mitchell asked whether there were any objections to leaving this item pending until after the executive session. There were none.

11. Discussion regarding plaque in honor of Mary Kyle Hartson City Square Park. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 11. The general consensus of the council was to begin working on a proposal to bring back to council for a future plaque in recognition of Mary Kyle Hartson and the parties that contributed to the engineering and design. The language on the plaque would mimic Wikipedia information including council members names, architects, contractor, and relevant staff who were instrumental in all aspects of the project. Incorporation of a bell for children's interaction was also considered and debated. Concern over the decibels of the bell and options were considered.

Mayor Mitchell moved to direct staff to bring back a proposal consistent with what had been discussed. Mayor Pro Tem Rizo seconded the motion. All votes aye; motion carried 7-0.

V. Executive Session

12. 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.
 - Downtown Master Plan, Overlay, and Architectural Standards
 - Kyle Housing Authority

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.

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 – Downtown Master Plan, Overlay, and Architectural Standards; Kyle Housing Authority; Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072; Personnel matters pursuant to Section 551.074; 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."

Sections 551.072; 551.074; and 551.087 were read into the record but were not discussed.

The City Council convened into executive session at 7:40 p.m.

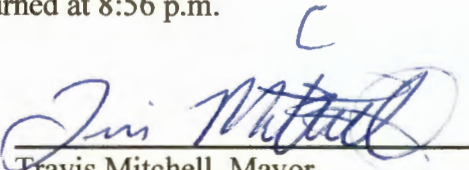
13. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 8:56 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

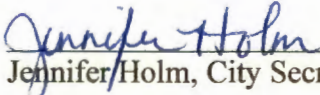
VI. Adjourn

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

With no further business to discuss, the City Council adjourned at 8:56 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Holm, City Secretary