

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on March 20, 2018 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell Michael Bowen
Mayor Pro Tem Shane Arabia
Council Member Dex Ellison
Council Member Tracy Scheel
Council Member Alex Villalobos
Council Member Damon Fogley
Council Member Daphne Tenorio
Scott Sellers, City Manager
James Earp, Assistant City Manager
Paige Saenz, City Attorney
Jerry Hendrix, Chief of Staff
Jennifer Vetrano, City Secretary
Leon Barba, City Engineer
Diana Torres, Economic Dev Director
Perwez Moheet, Finance Director
Matt Dawson, IT Director
Danielle Harvey, IT Technician
Howard Koontz, Community Dev Director
Jeff Barnett, Chief of Police
Stephanie Robinson, Records Supervisor
Krissi Milliken, Emergency Comm. Supervisor
Daniel Gooding, Police Sergeant
Dan Pruett, Police Officer
Fernando Solis, Police Officer
Tracy Gilliam, Police Officer
Phillip Cleary, Police Officer
Sebastian Rodriguez, Police Officer
Timothy Owens, Police Officer
Damien Narvaiz, Police Officer
Alex Mayfield, Police Officer
Nathaniel Waters, Police Officer
Jerritt Bean, Police Officer
Daniel Rainwater, Police Cadet
Riley Dickens, Police Cadet
Rebecca Malik, TCO
Lexi Shorey, TCO

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:00 p.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Council Member Ellison, Council Member Scheel, Mayor Pro Tem Arabia, Council Member Villalobos, Council Member Fogley and Council Member Tenorio. A quorum was present.

II. Citizen Comment Period with City Council

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

III. Presentation

Introduction and Recognition of Police Personnel. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 1 for discussion. Chief Barnett recognized Officer Gooding for his promotion to Sergeant and mentioned his many accomplishments during his career with Kyle Police Department. Chief Barnett then introduced new Police Officers: Solis, Gilliam, Cleary, Rodriguez, Owens, Narvaiz, Mayfield, Waters, Beam; Cadets: Rainwater and Dickens; and TCOs: Malik and Shorey. No action was taken.

IV. Appointments

Appoint nominee for position on City of Kyle Ethics Commission. ~ *Shane Arabia, Council Member*

- Joe Lucita

Mayor Mitchell brought forward Item No. 2 for discussion and gave the floor to Mayor Pro Tem Arabia.

Mayor Pro Tem Arabia moved to approve the appointment of Joe Lucita to Seat 3 of the Ethics Commission. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

V. Consent Agenda

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. There were none. With no objections, Mayor Mitchell brought forward Item Nos. 3, 4, 5, and 6.

(*Second Reading*) An Ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 2 ("Administration"), Article III ("Boards, Committees and Commissions"), Division 2 "Planning and Zoning Commission"; §2-72 "Quorum, Vote and Records."; altering permissible commission members who can make motions. ~ *Howard J. Koontz, Director of Planning and Community Development*

Council voted 6-0 to approve this item.

(*Second Reading*) An Ordinance of the City of Kyle, Texas, Amending Sec. 41-1 "Definitions" And Sec. 41-4 "Application and Administration", of Chapter 41 "Subdivisions", of the City of Kyle Code of Ordinances, by adding new definitions, amending certain other definitions, and amending the chapter's applicability and administration. ~ *Howard J. Koontz, Director of Planning and Community Development*

Council voted 6-0 to approve this item.

██████████ Approve Plum Creek Phase 1, Section 11G Replat of Lots 1 & 2, Block A (SUB-17-0011) 8.962 acres; 1 multi-family and 2 commercial lots located at the northwest corner of Dorman Lane and Kyle Parkway. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to approve the replat.

██████████ Approve Plum Creek Square - Site Plan (SD-18-0011) 4.712 acres, 2 buildings on 1 commercial lot located at 189 and 216 Kirkham Circle in Plum Creek. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to approve the site plan.

Council Member Tenorio moved to approve Consent Agenda Item Nos. 3, 4, 5, and 6. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

VI. Consider and Possible Action

██████████ Approve a Resolution of the City of Kyle, Texas, authorizing the City Manager to execute a Master Interlocal Agreement with the City of Grand Prairie, Texas; 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*

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

Council Member Tenorio moved to approve a Resolution of the City of Kyle, Texas, authorizing the City Manager to execute a Master Interlocal Agreement with the City of Grand Prairie, Texas. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

██████████ *(Second Reading)* An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 17.19 acres of land from Agriculture 'AG' to Single Family Residential 3 'R-1-3' for property located at 1001 S. Sledge Street, in Hays County, Texas. (Tom and Mary Ayers - Z-18-0023) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-2 to recommend approval of the request.

Council voted 4-2 to approve this item.

Mayor Mitchell brought forward Item No. 8 for discussion. Mr. Koontz presented the item. Michael Bowen spoke as the developer and land owner. Council Member Scheel asked whether he was amenable to R-1-2. Mr. Bowen spoke about the target market for the development stating that R-1-3 is the marketable choice. He also stated that they will be putting in the first sidewalk on Sledge.

Council Member Fogley moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 17.19 acres of land from Agriculture 'AG' to Single Family Residential 3 'R-1-3' for property located at 1001 S. Sledge Street, in Hays County, Texas. Council Member Scheel seconded the motion. Motion carried 5-2 with Council Members Villalobos and Tenorio dissenting.

██████████ Approve a request by Todd Burek and James Ingalls for a Chapter 212 Development Agreement related to the design and construction of a single family housing project on approximately 83 acres located near the southwest intersection of Windy Hill Road and FM 2001. ~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Mitchell brought forward Item No. 9. He stated the developer has requested the item be indefinitely postponed.

Mayor Mitchell moved to postpone indefinitely a request by Todd Burek and James Ingalls for a Chapter 212 Development Agreement related to the design and construction of a single family housing project on approximately 83 acres located near the southwest intersection of Windy Hill Road and FM 2001. Council Member Tenorio seconded the motion.

There was discussion on the motion. Council Member Scheel asked what a Chapter 212 agreement is. City Attorney Saenz stated that it is the statutory section that authorizes cities to enter into development agreements with landowners in the ETJ.

All votes aye; motion carried 7-0.

VII. City Manager's Report

██████████ 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*

- Great River Clean Up
- Ethics Training

Mr. Sellers gave a recap of the Great River Clean Up with help from 84 volunteers from the Kyle, San Marcos, Buda area, and representatives of Hays High School. He recognized Kathy Roecker for organizing the initiative. Mr. Sellers reported 16,500 pounds of trash was collected, as well as 3,350 pounds of metal recycling, 80 pounds non-metal recycling, and four tires. Council Member Scheel stated that everyone was wonderful, and she thanked Public Works Department and Parks Department for their help as well. Mr. Sellers also informed Council that the Ethics Training will be held on April 11 at 6:30 p.m. Mr. Sellers spoke about the Austin package bombings, stating that the City is remaining hyper vigilant, and is responding to suspicious package calls.

VIII. Executive Session

██████████ 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.
 - Windy Hill Zoning and proposed agreement regarding settlement of the related dispute
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - Discussion on options for real property for City's use

3. Personnel matters pursuant to Section 551.074.
4. Economic Development negotiations pursuant to Section 551.087.
 - o Project Goldfish
 - o Magic Mint

Mayor Mitchell moved to convene into executive session pursuant to: pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Windy Hill Zoning and proposed agreement regarding settlement of the related dispute; possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - Discussion on options for real property for City's use; and Economic Development negotiations pursuant to Section 551.087 - Project Goldfish and Magic Mint. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

The City Council convened into executive session at 7:57 p.m.

██████ Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Fogley seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 8:20 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

IX. ADJOURN

Council Member Tenorio moved to adjourn. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 8:20 p.m.

Attest:

Travis Mitchell, Mayor

Jennifer A. Vetrano, City Secretary