

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on November 4, 2019 at Kyle City Hall with the following persons present:

Mayor Pro Tem Dex Ellison
Council Member Tracy Scheel
Council Member Robert Rizo
Council Member Alex Villalobos
Council Member Rick Koch
Council Member Daphne Tenorio
James Earp, Assistant City Manager
Paige Saenz, City Attorney
Jerry Hendrix, Chief of Staff
Jennifer Vetrano, City Secretary

Paul Jarvis
Jim Nias

I. Call Meeting to Order

Mayor Pro Tem Ellison called the meeting to order at 6:01 p.m. The Pledge of Allegiance was recited. Mayor Pro Tem Ellison asked the city secretary to call roll.

Present were: Mayor Pro Tem Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Koch. A quorum was present. Mayor Mitchell was absent due to illness and Council Member Tenorio was expected to arrive late. She arrived at 6:15 p.m. and entered into executive session.

II. Citizen Comment Period with City Council

Mayor Pro Tem Ellison opened citizen comments at 6:02 p.m. With no one wishing to speak, Mayor Pro Tem Ellison closed citizen comments at 6:02 p.m.

III. Executive Session

1. 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.
 - Sunset Ridge Lawsuit
 - Uptown RFQ Process
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 3. Personnel matters pursuant to Section 551.074.
 - City Manager Contract
 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.
 - Uptown RFQ Process

Council Member Scheel 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 - Sunset Ridge Lawsuit and Uptown RFQ Process; Personnel matters pursuant to Section 551.074 - City Manager Contract; 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 - Uptown RFQ Process." The City Council convened into executive session at 6:04 p.m.

2. Take action on items discussed in Executive Session.

Mayor Pro Tem Ellison called the meeting back to order at 7:06 p.m. Mayor Pro Tem Ellison announced that no action took place in Executive Session, but the city council would take up the next items on this agenda.

IV. Consider and Possible Action

3. Consider and Possible Action to approve a contract with City Manager Scott Sellers. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Ellison brought forward Item No. 3 for discussion.

Council Member Scheel moved to approve a contract with City Manager Scott Sellers. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Villalobos stated that one of the items regarding the City Manager Contract was past councils and said that some of the goal sets for performance were fairly subjective. The committee recommended a 3rd party assessment, along with Council assessment, of the operational side of the city to use for performance evaluation. He mentioned the Council felt it imperative to do this to mitigate the subjectivity from the assessment based on people's opinions on goals set and those type of items. Council wants to be objective. He stated that the committee had lengthy discussions involving that and the City Manager was amenable to that. Council Member Villalobos stated the objective was to create some efficiency and to provide critical direction for an assessment, mentioning rules and traditions of assessing a City Manager. He said they felt this was best was to address and to also mitigate the political side for assessing an employee as a City Manager. Council Member Villalobos mentioned that the City is leading the way in this and expressed interest in seeing how this comes forward. Mayor Pro Tem Ellison mentioned the ad hoc committee, which Council Member Villalobos participated on, and thanked him for his participation. Mayor Pro Tem Ellison stated that he would like to add a timeline for this assessment in the motion. Council Member Tenorio stated that the 360 needs to be done asap and the final objective review needing to be completed by February 1st and provided to him by February 1st. Council Member Scheel stated she is amenable to that amendment. Council Member Tenorio asked to also add that the ad hoc committee would continue in this work. Council Member Scheel stated she is amenable to

that amendment. Council Member Tenorio mentioned appreciation for the ad hoc committee and mentioned being in support of the 360. She said, that she felt the City Manager could not direct the city without being given goals set by the Council which has never been done before, and that she was extremely proud of that. She stated that she cannot support the contract because of the dollar amount. Council Member Tenorio discussed salary, allowances, and spoke in opposition of the health reimbursement with no documentation required. She said the 9- month severance is okay. She continued to say, that the majority of Kyle does not make that much, and most must pay out of pocket. She appreciates all the work that has been done and is the best contract she has seen besides the numbers; she cannot support the contract. She does support the 360 and the guidelines by City Council. She stated that Kyle is the one that raised the amount a long time ago and other Cities are having to catch up. Council Member Scheel stated that when it comes to retirement, she does not have a problem because her company matches what she puts in. Council Member Rizo stated that it is a great contract and the ad hoc committee did a great job on it. He continued that at the TML Conferences he has heard how lucky the City is to have Mr. Sellers as its City Manager. Council Member Koch mentioned the committee came back to the council with the contract and had worked on it for about a month. They tried to keep most things the same. The committee saw that Mr. Sellers made many concessions in the negotiations of it. He continued, he felt the evaluation and assessment was going to be Huge for the City of Kyle. Council Member Villalobos stated that he can understand Council Member Tenorio's concern. He stated that they started with the same amount of his prior contract, and the other items are a longevity incentive for him to stay. He stated that paves the way for future City Managers to have incentives to want to be here. From here, he stated, the Council will have a say in the overall performance and direction for the city with the assessment coming in place He believes the City Manager sees it as a good opportunity as well, with less political influence. Mayor Pro Tem Ellison thanked the ad hoc committee for their work over the last month. He appreciates the creativity in the contract and the innovation with the severance package. He stated three years ago, it is always a subject of contention, the City Manager Contract. He mentioned the council having an opportunity to set tangible parameters and performance evaluations. He said he appreciates the work that has been done and work to be done.

Motion carried 5-1 with Council Member Tenorio dissenting.

4. Consider and Possible Action to approve a Final Settlement Agreement regarding the Sunset Ridge matter. ~ *Paige Saenz, City Attorney*

Mayor Pro Tem Ellison brought forward Item No. 4 for discussion. Ms. Saenz presented the item. Mr. Earp also provided information related to the aesthetics of this development as it relates to the settlement agreement. The developer, Jim Nias, Attorney for Sunset Ridge, spoke about the minimum number of homes with a front porch facing the street. He stated there would be front street decks and covered porches. Mr. Nias made the offer of 30 percent of homes meeting criteria. Council Member Koch stated that he was looking and hoping for 50 percent Mr. Paul Jarvis, Regional Manager, spoke stating that they would be amenable to 30 - 50 percent. Mayor Pro Tem Ellison stated that sounds like 40 percent. Mr. Jarvis agreed to 40 percent. Council Member. Koch thanked them for working with the City and stated his support for the agreement with that addition.

Council Member Scheel moved to approve a Final Settlement Agreement regarding the Sunset Ridge matter with the amendment of a minimum of 40 percent of the homes will have a front porch that faces the street. Council Member Koch seconded the motion.

There was discussion on the motion. Council Member Tenorio thanked Council Member Koch for bringing this forward stating that was a great catch. She also thanked the developer for working with the city.

All votes aye; motion carried 6-0.

V. ADJOURN

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

With no further business to discuss, the City Council adjourned at 7:27 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary