

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on February 2, 2021 and due to COVID-19, some members attended virtually (v) at <https://www.cityofkyle.com/kyletv/kyle-10-live>; Spectrum 10 with the following persons present:

Mayor Travis Mitchell	Kerman Hammon
Mayor Pro Tem Rick Koch	Peter Parcher
Council Member Dex Ellison (v)	Amanda Stark (v)
Council Member Yvonne Flores-Cale	Suzi Mitchell
Council Member Robert Rizo	Michelle Ducote (v)
Council Member Ashlee Bradshaw	Sandy Gonzalez (v)
Council Member Michael Tobias (v)	Vanessa Westbrook
Scott Sellers, City Manager	DerryAnn Krupinsky (v)
James Earp, Assistant City Manager (v)	Christie Banduch (v)
Paige Saenz, City Attorney (v)	
Jerry Hendrix, Chief of Staff (v)	
Samantha Armbruster, Communications Dir.	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer (v)	
Kathy Roecker, SWMP Administrator (v)	
Diana Torres, Economic Dev Director (v)	
Perwez Moheet, Finance Director (v)	
Sandra Duran, HR Director (v)	
Matt Dawson, IT Director	
Grant Bowling, Video Production Specialist	
Mariana Espinoza, PARD Director (v)	
Howard Koontz, Community Dev Director (v)	
Steven Clamons, GIS Analyst (v)	
Jeff Barnett, Chief of Police (v)	
Dago Pates, Police Office (v)	
Briana Brecher, Animal Control Officer (v)	
Harper Wilder, Director of Public Works (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 Ellison, Council Member Flores-Cale, Council Member Rizo, Council Member Bradshaw, and Council Member Tobias. A quorum was present.

II. Approval of Minutes

1. City Council Special Meeting Minutes - January 19, 2021. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - January 19, 2021. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Tobias moved to approve the minutes of the January 19, 2021 Special Council Meeting and the minutes of the January 19, 2021 Council Meeting. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

III. Citizen Comment Period with City Council

3. Members of the public that wish to provide citizen comment have the following options:
 1. In-Person at Kyle City Hall
 2. Virtual Attendance - Submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

Mayor Mitchell opened citizen comments at 7:04 p.m.

Kerman Hammon was called to speak as registered in favor of Item No. 7. He stated that the AMVETS would like to express their public support of renaming Rebel Drive to Veteran's Drive. Mr. Hammon said he would like to recognize the Blue Star and Gold Star Mothers and said they were active in the Veteran community. He continued saying, Blue Star Mothers are members who have son's or daughter's serving and the Gold Star Mothers had a son or daughter that gave their life, for our freedom. Mr. Hammon stated if Council approved the name change, he would like to see the official naming coincide with Memorial Day, the 4th of July, or Veteran's Day. He spoke about the upcoming blood drive March 28th and COVID testing February 8th, at their location.

Peter Parcher was called to speak as registered. He stated that he has been following the recent rezoning's and wondered about a comprehensive plan because he cannot find a pattern. He also asked about a Veteran's Day parade group. He would like to work with the City to put on this parade.

Mayor Mitchell stated that Matt Greene submitted written testimony to Council and Carla Seeley-Greene registered a position regarding Item No. 16, but not testifying.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:09 p.m.

IV. Appointments

4. Consider nominations and take possible action for reappointment to the Kyle Parks and Recreation Board to fill expired terms. ~ *Mariana Espinoza, Director of Parks & Recreation*
 - Seat 2 - Lana Nicholson

Mayor Mitchell brought forward Item No. 4 for discussion. Ms. Espinoza introduced the Chair, Amanda Stark who presented the item.

Council Member Ellison moved to approve the reappointment of Lana Nicholson to Seat 2 of the Parks and Recreation Board. Mayor Pro Tem Koch seconded the motion.

There was discussion on the motion. Council Member Rizo thanked Ms. Nicholson for her continued service to the City.

All votes aye; motion carried 7-0.

V. Presentation

5. Black History Month Proclamation. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 5 for discussion and gave the floor to Council Member Ellison who presented the proclamation. No action was taken.

After this proclamation, Mayor Mitchell mentioned that there were three proclamations but only two made the agenda. He proceeded with the Career and Technical Education (CTE) Month proclamation. Suzi Mitchell spoke on behalf of the program, thanking the city for the partnership hosting interns and for the serving members on the advisory board. She appreciated Council Member Ellison updating the Proclamation he presented. She introduced Avery Barrera instructional coordinator who works with teachers on the curriculum and spoke about the many different types of programs offered. She also introduced Ryan Merritt, Workforce Development Coordinator and mentioned the responsibilities and duties of said position coordinating between the students and businesses. No action was taken.

6. Dating Violence Awareness and Prevention Month. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 6. Michelle Ducote and Sandy Gonzalez thanked Mayor Mitchell and Council for the proclamation, bringing awareness, and recognizing February as Dating Violence Awareness Month. No action was taken.

7. Presentation and possible direction regarding renaming of W RM 150. ~ *Vanessa Westbrook, Chair of the W RM 150 Naming Committee*

Mayor Mitchell brought forward Item No. 7 for discussion. Ms. Vanessa Westbrook presented the item. Steven Clamons, GIS Analyst for the City, spoke about 9-1-1 standards. He stated that abbreviations are not supported at all, such as "U.S." No action was taken.

Mayor Mitchell called a recess at 8:03 p.m.

Mayor Mitchell moved to reconvene. Council Member Rizo seconded the motion. A vote was not held. The City Council reconvened at 8:13 p.m.

8. Presentation by San Marcos Animal Shelter on the Trap Neuter and Release (TNR) program. ~ *DerryAnn Krupinsky, Assistant Director of Neighborhood Enhancement-WIC, City of San Marcos*

Mayor Mitchell brought forward Item No. 8 for discussion. Ms. DerryAnn Krupinsky presented the item. Christie Banduch also provided information. No action was taken.

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

Mayor Mitchell brought forward Item No. 9 for discussion. Mr. Barba presented the updates. No action was taken.

VI. Consent Agenda

Mayor Mitchell brought forward the Consent Agenda.

10. *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 5.87 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1400 E. RR 150, in Hays County, Texas. (1400 E. FM 150, LLC - Z-20-0068) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

City Council voted 7-0 to approve on first reading.
11. Declaring parks maintenance equipment as surplus and directing city staff to identify the equipment to be placed on the surplus property listing and the equipment to be declared without value to be disposed or recycled. ~ *Mariana Espinoza, Director of Parks & Recreation*
12. Consider and approve Assignment and Novation of a contract from EDMONDSON REED & ASSOCIATES, INC., to the City of Kyle for the 104 S. Burlison Street and City Square Park capital improvement projects. ~ *Leon Barba, PE, City Engineer*
13. Approve a purchase order to FUGRO USA LAND, INC., Austin, Texas, in the amount of \$25,250.00 for providing geotechnical and environmental services for the 104 S. Burlison Street and City Square Park capital improvement projects. ~ *Leon Barba, PE, City Engineer*
14. Approve and ratify a purchase order to BYRN AND ASSOCIATES SURVEYING, San Marcos, Texas in the amount of \$16,000.00 for providing topographic services for the 104 S. Burlison Street and City Square Park capital improvement projects. ~ *Leon Barba, P.E., City Engineer*
15. Approve an interlocal agreement between Hays County and the City of Kyle authorizing reimbursement in the amount of \$700,000.00 by the City to Hays County for road construction materials required in the reconstruction of Old Post Road (CR 134) from CR 158 to FM 150. ~ *Leon Barba, P.E., City Engineer*

Council Member Rizo moved to approve Consent Agenda Item Nos. 10, 11, 12, 13, 14, and 15. Council Member Ellison seconded the motion.

There was discussion on the motion. Council Member Flores-Cale had a question about Item No. 10. She stated that the backup material seems to be missing information. Mr. Koontz stated that the backup material is the result of applications having gone online, and that the rest of the information is in the CSS Portal. He also stated that the applicant is not available. Mayor Mitchell stated that this issue could have been dealt with before this moment, after planning & zoning and a first reading before Council.

Council Member Rizo amended his motion to approve Consent Agenda Item Nos. 11, 12, 13, 14, and 15. Mayor Mitchell spoke about parliamentary procedure. The motion was withdrawn instead of making an amendment to the motion.

Council Member Rizo moved to approve Consent Agenda Item Nos. 11, 12, 13, 14, and 15. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

Council Member Rizo moved to approve Consent Agenda Item No. 10. Mayor Mitchell seconded the motion.

There was discussion on the motion. Council Member Ellison asked Council Member Flores-Cale what her concern is about this item and the information that is allegedly missing. Council Member Flores-Cale stated that at first reading she made a mistake, with that said she would like to see the application. She mentioned she should have written staff beforehand but did not. She said she wanted to see the application. Council Member Bradshaw asked if she's interested in who the developer is. Council Member Flores-Cale stated that she would like to be knowledgeable upon taking a vote. Council Member Ellison asked what information she feels like she is missing and whether staff could rectify that right now. Council Member Flores-Cale asked the name of the owner, submittal date, whether fees had been paid and basic information. Mr. Koontz stated that he couldn't get the information without the assistance of his staff tomorrow when City Hall opens. More discussion took place.

Mayor Mitchell called for the vote. Motion carried 6-1 with Council Member Flores-Cale dissenting.

VII. Consider and Possible Action

16. *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 57-acres of land from Single Family Residential-2 'R-1-2' (42.3-acres) and Retail Service District 'RS' (15-acres) to Planned Unit District 'PUD' (Single Family Attached 'R-1-A', 54-acres) and (Retail Service District 'RS', 3.3-acres) for property located at 1821 W. RR 150, in Hays County, Texas. Kyle Mortgage Investors, LLC (Z-20-0067) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 4-2 to recommend approval of the request.

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

Mayor Mitchell brought forward Item No. 16 for discussion. Mr. Koontz presented the item.

Council Member Rizo moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 57-acres of land from Single Family Residential-2 'R-1-2' (42.3-acres) and Retail Service District 'RS' (15-acres) to Planned Unit District 'PUD' (Single Family Attached 'R-1-A', 54-acres) and (Retail Service District 'RS', 3.3-acres) for property located at 1821 W. RR 150, in Hays County, Texas. Kyle Mortgage Investors, LLC Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

17. *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.4 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 101 Sunflower Circle, in Hays County, Texas. (Jimmy and Diana Owen - Z-20-0066) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

City Council voted 6-1 to approve on first reading.

Mayor Mitchell brought forward Item No. 17 for discussion. Mr. Koontz presented the item.

Council Member Ellison moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.4 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 101 Sunflower Circle, in Hays County, Texas. Council Member Tobias seconded the motion. Motion carried 6-1, with Council Member Flores-Cale dissenting.

18. *[POSTPONED 1/19/2021] (First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, to rezone approximately 19.5 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located at 5492 Kyle Center Drive, in Hays County, Texas. (DDR DB Kyle LP - Z-20-0069) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-1 to deny the request.

- Public Hearing

Mayor Mitchell brought forward Item No. 18 for discussion. Mayor Mitchell stated that the public hearing is still open and will be kept open at 9:10 p.m.

Mayor Mitchell moved to postpone the item until the next regularly scheduled Council meeting. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

19. Discussion and Update of activity related to the Texas Downtown Association plan for Kyle. ~ *Michael Tobias and Dex Ellison, Council Members*

Mayor Mitchell brought forward Item No. 19 for discussion and gave the floor to Council Members Tobias and Ellison who presented the item. No action was taken.

20. *(First Reading)* An Ordinance of the City of Kyle, Texas, Amending the City of Kyle, TX Code of Ordinances Appendix A - Fee Schedule, to Reflect an Increase in Building Inspection Fees to Cover Costs Associated with Third Party Inspections. ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 20 for discussion. Mr. Earp presented the item.

Mayor Pro Tem Koch left the dais at approximately 9:34 p.m.

Council Member Ellison moved to approve an Ordinance of the City of Kyle, Texas, Amending the City of Kyle, TX Code of Ordinances Appendix A - Fee Schedule, to Reflect an Increase in Building Inspection Fees to Cover Costs Associated with Third Party Inspections. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 6-0. Mayor Pro Tem Koch was absent for the vote.

21. Consider a Request to Remove the Required Public Utility Easement for the Plum Creek Uptown Central Park (SUB-20-0164). ~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Mitchell brought forward Item No. 21 for discussion. Mr. Koontz presented the item.

Council Member Rizo moved to approve a request to remove the required Public Utility Easement for the Plum Creek Uptown Central Park. Council Member Ellison seconded the motion. All votes aye; motion carried 6-0. Mayor Pro Tem Koch was absent for the vote.

22. Presentation on a proposed Ordinance of the City of Kyle, Texas Regulating Sex Offender Residency within the City and Establishing Child Safety Zones. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 22 for discussion. Chief Barnett presented the item. Mayor Pro Tem Koch returned at 9:38 p.m. No action was taken.

After Item No. 22 concluded, Mayor Mitchell expressed a desire to bring back Item No. 20 since not all members were present for the vote.

Mayor Mitchell moved to reconsider Item No. 20. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

20. (*First Reading*) An Ordinance of the City of Kyle, Texas, Amending the City of Kyle, TX Code of Ordinances Appendix A - Fee Schedule, to Reflect an Increase in Building Inspection Fees to Cover Costs Associated with Third Party Inspections. ~ *James R. Earp, Assistant City Manager*

Council Member Ellison moved to approve Item No. 20. Council Member Bradshaw seconded the motion. All votes aye; motion carried 7-0. There were no objections to having the item finally passed.

VIII. City Manager's Report

23. 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*
 - Mass Food Distribution events
 - Black History Month programming
 - President's Day holiday
 - COVID Testing and Vaccine information
 - Timeline & key dates for City's Fiscal Year 2021-2022 budget development and adoption

Mr. Sellers spoke about Mass Food Distribution events - volunteers are needed. He stated that the City offices are closed for President's Day holiday. He continued, speaking of Black History Month programming. Mr. Sellers asked Council whether there are any conflicts or questions on the timeline & key dates for City's Fiscal Year 2021-2022 budget development and adoption. He provided information regarding COVID Testing and Vaccine information.

IX. Executive Session

24. 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.
 - Bird Scooters
 - City Lights and Kyle Marketplace Subdivision/Development
 - Chapter 43 Non-Annexation agreement on property located at the intersection of Bunton Lane and Goforth Road
 - Planned Unit Development Zoning
 - Cause Number 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas
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.
 - SUFC
5. Deliberation Regarding Security Devices or Security Audits pursuant to Section 551.089.
 - Deployment of security devices and critical infrastructure related to billing program

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 - City Lights and Kyle Marketplace Subdivision/Development, and Planned Unit Development Zoning."

The City Council convened into executive session at 10:26 p.m.

25. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order in open session at 11:35 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

X. Adjourn

Mayor Mitchell moved to adjourn. Council Member Bradshaw seconded the motion. All votes aye; motion carried 4-0. Council Members Flores-Cale, Rizo, and Tobias were absent for the vote.

With no further business to discuss, the City Council adjourned at 11:36 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer Holm, City Secretary

DRAFT