

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on July 5, 2016 at Kyle City Hall with the following persons present:

Mayor Todd Webster	Lauralee Harris
Mayor Pro Tem Damon Fogley	Judy Deats
Council Member Travis Mitchell	Dan Ekakiadis
Council Member Becky Selbera	Donna Calzada
Council Member Shane Arabie	Tony Spano
Council Member David Wilson	Pauline Villegas
Council Member Daphne Tenorio	Julie Snyder
Scott Sellers, City Manager	Jessica Walker
Ashley White, City Attorney	
Jerry Hendrix, Chief of Staff	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Katherine Jordan, Community Development Intern	
Kerry Urbanowicz, PARD Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Harper Wilder, Public Works Director	

I. Call Meeting To Order

Mayor Webster called the meeting to order at 7:01 p.m. Mayor Webster asked the secretary to call roll.

Present were Mayor Webster, Council Member Mitchell, Council Member Arabie, Council Member Wilson, Mayor Pro Tem Fogley, and Council Member Tenorio. A quorum was present. Council Member Selbera arrived at 7:08 p.m. during Citizen Comments.

II. Approval of minutes

1. City Council Regular Meeting Minutes - June 7, 2016. ~ Jennifer Vetrano, City Secretary
Item No. 1 Attachments
2. City Council Special Meeting Minutes - June 20, 2016. ~ Jennifer Vetrano, City Secretary
Item No. 2 Attachments
3. City Council Regular Meeting Minutes - June 21, 2016. ~ Jennifer Vetrano, City Secretary
Item No. 3 Attachments

Mayor Webster brought forward Approval of the Minutes for discussion.

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Council Member Tenorio moved to approve the minutes from the June 7, 2016 regular council meeting, the June 20, 2016 special council meeting, and the June 21, 2016 regular council meeting, with correction to June 7th minutes listing Travis Mitchell, who was not yet a council member, as present. Mayor Webster seconded the motion. All votes aye; motion carried 6-0.

III. Citizen Comment Period with City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

Mayor Webster opened citizen comments at 7:03 p.m.

Lauralee Harris spoke in favor of the stop signs in Plum Creek. She also stated that stop signs would slow down traffic. She also added that stop signs would be helpful at a four-block green belt area where there is no intersection.

Judy Deats was called to speak on behalf of the Kyle Friends of the Library Thrift Store. She presented a quarterly check for \$8,600.00. She stated that Friends of the Library support the Library with \$34,400 per year consistently and purchase many things for the library and its staff that are outside its budget.

Dan Ekakiadis was called to speak. He lives in Spring Branch subdivision. He stated that people do not observe the stop signs. He said stop signs are only good if people will stop. He stated that we need better enforcement.

Donna Calzada, on behalf of the Plum Creek Neighborhood Watch Safety Committee, spoke in support of the stop sign item. While she doesn't know that stop signs will slow traffic, she is hopeful that they may dissuade from going down those streets if they're in a hurry knowing that those stop signs are there. She stated the Executive Committee of the HOA supported of installation of 4-way stop signs. She hopes they will prevent an accident.

Tony Spano of Plum Creek Development and HOA Board President was called to speak. He spoke in opposition of the stop signs in Item No. 13. He stated that the residents had different positions on this topic: some wanted the traffic slowed, some wanted no one on the street at all, and some wanted to avoid potential accidents. He stated that the design was created in careful consideration of traffic flow. Mr. Spano stated that Sanders is a traffic-calm street with neck-downs, no parking zones, it is narrow in spots, and is an arterial road. It wasn't designed to have stop signs. He cautioned the Council to consider this item carefully.

Pauline Villegas registered her position for Agenda Item No. 13.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:12 p.m.

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IV. Presentation

4. Kyle Area Chamber of Commerce GeoCache Tour. ~ Jessica Walker, KACC Office Manager
Item No. 4 Attachments

Mayor Webster brought forward Item No. 4 for discussion. Ms. Julie Snyder introduced the item, its benefit to the visitor's center and promotion of Kyle. She then introduced Jessica Walker. Ms. Walker explained how GeoCache works, and feedback and results from participants.

V. Public Hearings

5. Public Hearing and Council discussion regarding potential amendment to the City of Kyle, Code of Ordinances, Chapter 11, Article IV (Peddlers, Solicitors and Vendors). ~ Katherine Jordan, Planning and Community Development Intern
Item No. 5 Attachments

Mayor Webster brought Item No. 5 forward for discussion. Ms. Jordan presented the item.

With no objections, Mayor Webster opened the public hearing at 7:29 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 7:29 p.m.

Mayor Webster opened the floor for discussion amongst Council. Open discussion took place. Council Member Arabie stated that he thinks we are trying to capture too many items in one ordinance. Mr. Arabie recommended creation of three separate ordinances to address the various situations. Mayor Pro Tem Fogley suggested bring the topic through the ED&T Board.

VI. Consent Agenda

6. Fairway Landings at Plum Creek - Site Plan (SD-16-006) 14.066 acres; 1 lot located at 510 Kohler's Crossing. ~ Howard J. Koontz, Director of Planning and Community Development
Item No. 6 Attachments
8. Approve a Resolution of the City of Kyle suspending a proposed rate change by Texas Gas Company, a Division of ONE Gas, Inc., and allowing for the City of Kyle to join other cities included in the rate change to provide a proper review of all the included findings and to make a recommendation regarding the proposed rate change within 90 days. ~ Jerry Hendrix, Chief of Staff
Item No. 8 Attachments

Mayor Webster asked if there were any items to be pulled from the Consent Agenda. Council Member Mitchell asked to pull Item No. 7 to be considered after Item No. 10. With no objections, Mayor Webster brought forward Item Nos. 6 and 8.

Mayor Pro Tem Fogley moved to approve Consent Agenda Item Nos. 6 and 8. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

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VII. Consider and Possible Action

9. Approve a contract with BURGESS & NIPLE, INC., Austin, Texas in an amount not to exceed \$398,788.00 for the purpose of providing engineering services (Planning Phase only - 30% design) for the expansion of the existing wastewater treatment plant. ~ Leon Barba, P.E., City Engineer
Item No. 9 Attachments

Mayor Webster brought forward Item No. 9 for discussion. Mr. Barba presented the item. Council Member Wilson asked Mr. Barba to elaborate on the expertise of Burgess & Niple and its longevity in working with the city. Mr. Barba gave an overview of the various projects the firm has completed for the city, and along with those, they have experience and knowledge of the city's capabilities.

Council Member Tenorio moved to approve a contract with Burgess & Niple, Inc., Austin, Texas in an amount not to exceed \$398,788.00 for the purpose of providing engineering services (Planning Phase only - 30% design) for the expansion of the existing wastewater treatment plant. Mayor Pro Tem Fogley seconded the motion.

There was discussion on the motion. Council Member Arabie asked whether there is any word on the size of the plant. Mr. Barba stated that much of that will still need to be run through TCEQ.

All votes aye; motion carried 7-0.

10. (Second Reading) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2015-16 by increasing total appropriations for expenditures by \$104,400.00; General Fund by \$77,400.00 and the Hotel Occupancy Tax Fund by \$27,000.00 and decreasing fund balance by the same amounts in the respective City Funds. ~ J. Scott Sellers, City Manager
Item No. 10 Attachments

Mayor Webster brought forward Item No. 10 for discussion. Mr. Sellers presented the item.

Mayor Webster moved to approve an amended Ordinance amending the City's Approved Budget for Fiscal Year 2015-16 by increasing total appropriations for expenditures by \$36,400.00; General Fund by \$36,400.00 and the Hotel Occupancy Tax Fund by \$27,000.00 and unexpended appropriation for the gateway signage. Council Member Arabie seconded the motion.

Council Member Tenorio asked about advertising. Mr. Sellers stated that the advertising is tied up with the funding. Cindy Stohr stated that she already has quotes for the advertising, and the events have been promoted locally and in every free listing she could find in Texas. Council Member Mitchell stated he is glad the amendment will come from HOTT rather than general fund.

All votes aye; motion carried 7-0.

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7. Approve a service agreement with L&J MANAGEMENT CONCEPTS, LLC, DBA GRIND HOUSE COFFEE & COCKTAILS, Kyle, Texas to provide and manage the sale of alcoholic beverages at the Kyle Field Day event September 17 and 18, 2016, at Gregg-Clarke Park. ~ Cindy Stohr, Special Events & Programs Coordinator
Item No. 7 Attachments

Mayor Webster brought forward Item No. 7 for discussion. Ms. Stohr was available for questions.

Council Member Tenorio moved to approve a service agreement with L&J Management Concepts, LLC, DBA Grind House Coffee & Cocktails, Kyle, Texas to provide and manage the sale of alcoholic beverages at the Kyle Field Day event September 17 and 18, 2016, at Gregg-Clarke Park. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

11. Approve an Interlocal Agreement between the City of Kyle, Texas and Hays County, Texas for Aesthetic Applications at the Intersection of Yarrington Road and Interstate 35. ~ J. Scott Sellers, City Manager
Item No. 11 Attachments

Mayor Webster brought forward Item No. 11 for discussion. Mr. Sellers presented the item.

Council Member Wilson moved to approve an Interlocal Agreement between the City of Kyle, Texas and Hays County, Texas for Aesthetic Applications at the Intersection of Yarrington Road and Interstate 35. Council Member Selbera seconded the motion. All votes aye; motion carried 7-0.

12. Approve a Resolution of the City of Kyle, Texas, amending the City of Kyle Rules of City Council, providing for meetings, agenda, council proceedings, parliamentary procedure, debate, decorum, and citizen participation at meetings; making findings of fact; and providing for related matters. ~ R. Todd Webster, Mayor
Item No. 12 Attachments

Mayor Webster brought forward Item No. 12 for discussion. Mayor Webster presented the item.

Mayor Pro Tem Fogley stated that he'd like to see the citizen comment three-minute time limit enforced. Council Member Tenorio asked if another citizen could donate their three minutes to another person. City Manager Scott Sellers stated that that is typically allowed when there are multiple people wanting to speak on the same topic.

Mayor Webster moved to table this item for the next meeting once corrections can be made. Council Member Selbera seconded the motion. All votes aye; motion carried 7-0.

13. Consider and possible action on a request for four-way stop signs at the intersections of Kirby and Sanders, and Hartson and Mather. ~ Shane Arabie, Council Member
Item No. 13 Attachments

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Mayor Webster brought forward Item No. 13 for discussion and gave the floor to Council Member Arabie. Council Member Wilson commented on the noise change that residents would experience. He also stated his appreciation for Tony Spano's testimony on this item. City Manager Scott Sellers spoke about warrant procedures for stop signs. Police Chief Jeff Barnett spoke about the accident review for these two locations. He used accident data from 2011-present. There was one accident at Kirby and Sanders, which happened this year. There were no accidents reported at Hartson and Mather. Chief Barnett stated that a study had been conducted for a previous request at Mather, but did not meet traffic count for warrant. He stated a traffic count study has not been done at Kirby and Sanders, but from experience he doesn't believe traffic volume is high enough to enact warrant. Mayor Webster asked after this for staff to bring forth a policy on unwarranted stop sign requests. City Manager Scott Sellers stated that staff anticipates bringing forward in the fee schedule an unwarranted stop sign fee. In the case of a warranted stop sign, the City would pay for and maintain the sign(s); however, in the case of an unwarranted stop sign, the HOA would bear the cost and maintenance of the sign(s). The signs would still be legally binding for enforcement. Mayor Webster called Donna Calzada to speak. She spoke about the speed study completed in February this year. She stated that it seems the number of homes has doubled since the study occurred. She stated 71% of the cars were speeding on that street. Ms. Calzada continued that three of the five members at the executive committee meeting attended the meeting and those three were supportive of these stop signs, and if necessary would use some of the safety committee budget to help with the cost. Council Member Selbera asked how much the signs cost. City Manager Scott Sellers stated that the time that goes into a warrant is significant, and including the sign would be in the \$400 range.

Council Member Arabie moved to approve four-way stop signs at the intersections of Kirby and Sanders, and Hartson and Mather. Mayor Pro Tem Fogley seconded the motion.

Mayor Webster stated that he is growing more and more concerned about these requests, but he would defer to the two council members who know this area of the community best.

All votes aye; motion carried 7-0.

VIII. City Manager's Report

14. 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
 - Minor League SoccerItem No. 14 Cover Sheet

Mr. Sellers invited the Council to Gregg-Clarke Park sports field for a press release on Thursday, July 14th at 10:30 a.m. announcing a minor league soccer team planning to call Kyle home. Mr. Sellers also announced the dry cell battery recycle program at City Hall and Kyle Public Library.

IX. Executive Session

15. 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

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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.
 - a. Negotiations for Property Regarding Waterline Extension
 - b. Negotiation of Incentives to Attract Potential Employer
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - a. Negotiations for Property Regarding Waterline Extension
3. Personnel matters pursuant to Section 551.074.
4. Economic Development negotiations pursuant to Section 551.087.
 - a. Negotiation of Incentives to Attract Potential Employer

Item No. 15 Cover Sheet

Council Member Wilson moved to convene into 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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Negotiations for Property Regarding Waterline Extension and Negotiation of Incentives to Attract Potential Employer; Possible purchase, exchange, lease or value of real estate pursuant to Section 551.072 - Negotiations for Property Regarding Waterline Extension; and Economic Development negotiations pursuant to Section 551.087 - Negotiation of Incentives to Attract Potential Employer. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

The City Council convened into Executive Session at 8:59 p.m. Council Member Selbera left the meeting at this time.

16. Take action on items discussed in Executive Session.

Item No. 16 Cover Sheet

Council Member Wilson moved to reconvene into open session. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

The City Council reconvened into Open Session at 9:59 p.m. Council Member Wilson announced that no action took place in Executive Session but action would be taken now.

Council Member Wilson moved to direct staff to move forward with Waterline Extension Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

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X. ADJOURN

At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held.

Council Member Tenorio moved to adjourn. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 10:01 p.m.

R. Todd Webster, Mayor

Attest: Jennifer A. Vetrano, City Secretary