

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on July 19, 2016 at Kyle City Hall with the following persons present:

Mayor Todd Webster  
Mayor Pro Tem Damon Fogley  
Council Member Travis Mitchell  
Council Member Shane Arabie  
Council Member David Wilson  
Council Member Daphne Tenorio  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Frank Garza, City Attorney  
Jennifer Vetrano, City Secretary  
Leon Barba, City Engineer  
Diana Torres, Economic Dev Director  
Perwez Moheet, Finance Director  
Sandra Duran, HR Director  
Robert Olvera, IT Manager  
Kerry Urbanowicz, PARD Director  
Howard Koontz, Community Dev Director  
Jeff Barnett, Chief of Police  
Mario Perez, Building Official  
Zohaib Qadri, Intern

Dan Pruitt

### 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, Council Member Fogley, and Council Member Tenorio. Council Member Selbera was absent due to illness. A quorum was present.

Council Member Wilson moved to excuse Council Member Selbera's absence due to illness. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

### II. Approval of minutes

1. City Council Regular Meeting Minutes - July 5, 2016. ~ Jennifer Vetrano, City Secretary  
Item No. 1 Attachments

Council Member Tenorio moved to approve the City Council Regular Meeting Minutes for July 5, 2016. Council Member Arabie seconded the motion. All votes aye; motion carried 6-0.

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### 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 7:02 p.m.

Mayor Webster called Police Chief Jeff Barnett to speak. Chief Barnett introduced Sergeants Jones and Akers as newly promoted supervisors.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:04 p.m.

### IV. Recognition

2. Approve a Resolution of the City of Kyle, Texas, supporting law enforcement across the nation and in the City of Kyle; and recognizing the police officers of the City of Dallas and the Dallas Area Rapid Transit Police Departments. ~ Kyle City Council  
Item No. 2 Attachments

Mayor Webster brought forward Item No. 2 for discussion. Council Member Wilson presented the item.

Council Member Wilson moved to approve a Resolution of the City of Kyle, Texas, supporting law enforcement across the nation and in the City of Kyle; and recognizing the police officers of the City of Dallas and the Dallas Area Rapid Transit Police Departments. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

### V. Presentation

3. Progress report on all five road bond projects including latest project cost estimates. ~ Leon Barba, P.E., City Engineer  
Item No. 3 Cover Sheet

Mayor Webster brought forward Item No. 3 for discussion. Mr. Barba presented the item.

4. Beautification Plan Update. ~ J. Scott Sellers, City Manager  
Item No. 4 Cover Sheet

Mayor Webster brought forward Item No. 4 for discussion. Mr. Sellers presented the item and introduced Zohaib Qadri, Intern. Mr. Qadri spoke about the Adopt-a-Street and Community Garden projects. Mr. Sellers presented on Gateway Signage and Wayfinding Signage.

5. Presentation on Kyle Vista Park Public Private Partnership Proposal. ~ Kerry Urbanowicz, Director of Parks and Recreation  
Item No. 5 Cover Sheet

Mayor Webster stated this item was postponed.

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### VI. Appointments

6. Certify City Manager's appointment to the Civil Service Commission. ~ J. Scott Sellers, City Manager
  - a. Aaron Townsend - Appointment to Seat One, term to expire July 2018;
  - b. Cindy Lawton - Appointment to Seat Two, term to expire July 2019.Item No. 6 Cover Sheet

Mayor Webster brought forward Item No. 6 for discussion. Mr. Sellers presented the item.

Council Member Tenorio moved to certify City Manager's appointments of Aaron Townsend and Cindy Lawton to the Civil Service Commission. Council Member Wilson seconded the motion. All votes aye; motion carried 6-0.

### VII. Consent Agenda

Mayor Webster asked if there were any items to be pulled from the Consent Agenda. There were none. With no objections, Mayor Webster brought forward Item Nos. 7, 8, 9, and 10.

7. (Second Reading) Approve an Ordinance regulating traffic, authorizing and directing the installation and erection of stop signs for the traffic control at the intersections of Kirby and Sanders, and Hartson and Mather, both in the city limits of Kyle; repealing any ordinance or resolution in conflict; providing a severability clause; declaring a penalty; and providing an effective date. ~ Shane Arabie, Council Member  
Item No. 7 Attachments
8. Authorize the award and execution of a Purchase Order to TEXAS MUNICIPAL EQUIPMENT, Arlington, Texas, in an amount not to exceed \$20,506.00 for the purchase of a Sand Spreader through the Buy Board Co-operative for the Public Works Department. ~ Scott Egbert, Street Division Manager, Public Works  
Item No. 8 Attachments
9. Ratify the authorization and execution of Water System Extension Agreement with Kensington Place Ventures, LTD. ~ J. Scott Sellers, City Manager  
Item No. 9 Attachments
10. Approve a Resolution of the City of Kyle, Texas, Authorizing the Mayor to Execute an Interlocal Participation Agreement with the Interlocal Purchasing System (TIPS) Program; making findings of fact; and providing for related matters. ~ Kerry Urbanowicz, Director of Parks and Recreation  
Item No. 10 Attachments

Council Member Tenorio moved to approve Consent Agenda Item Nos. 7, 8, 9, and 10. Council Member Fogley seconded the motion. All votes aye; motion carried 6-0.

### VIII. Consider and Possible Action

11. (First Reading) An Ordinance of the City of Kyle, Texas, Adopting the 2015 Edition of the International Building Code; Adopting the 2015 Edition of the International Existing

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Building Code; Adopting the 2015 Edition of the International Residential Code for One- and Two-Family Dwellings; Adopting the 2015 Edition of the International Fire Code; Providing for the Adoption of Local Amendments Thereto; Adopting the 2015 Edition of the International Plumbing Code; Adopting the 2015 Edition of the International Mechanical Code; Adopting the 2015 Edition of the International Fuel Gas Code; Adopting the 2015 Edition of the International Energy Conservation Code; Adopting the 2014 National Electrical Code; Adopting the 2015 Edition of the International Property Maintenance Code; Adopting the 2015 Edition of the International Swimming Pool and Spa Code; Providing for Permits and Inspection; Providing for Registration and License Requirements for Plumbing, Mechanical, and Electrical Contractors; Providing for a Penalty Provision; Providing that this Ordinance is Cumulative of all Ordinances; Amending the City Ordinance and the Code of Ordinances; Repealing all parts of Ordinances in Conflict; Providing a Severability Clause; Providing a Savings Clause; Providing Severability and Open Meetings Clauses; and Publication. ~ Mario Perez, Building Official

Item No. 11 Attachments

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

Council Member Wilson moved to approve an Ordinance of the City of Kyle, Texas, Adopting the 2015 Edition of the International Building Code; Adopting the 2015 Edition of the International Existing Building Code; Adopting the 2015 Edition of the International Residential Code for One- and Two-Family Dwellings; Adopting the 2015 Edition of the International Fire Code; Providing for the Adoption of Local Amendments Thereto; Adopting the 2015 Edition of the International Plumbing Code; Adopting the 2015 Edition of the International Mechanical Code; Adopting the 2015 Edition of the International Fuel Gas Code; Adopting the 2015 Edition of the International Energy Conservation Code; Adopting the 2014 National Electrical Code; Adopting the 2015 Edition of the International Property Maintenance Code; Adopting the 2015 Edition of the International Swimming Pool and Spa Code; Providing for Permits and Inspection; Providing for Registration and License Requirements for Plumbing, Mechanical, and Electrical Contractors; Providing for a Penalty Provision; Providing that this Ordinance is Cumulative of all Ordinances; Amending the City Ordinance and the Code of Ordinances; Repealing all parts of Ordinances in Conflict; Providing a Severability Clause; Providing a Savings Clause; Providing Severability and Open Meetings Clauses; and Publication. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

12. (First Reading) An Ordinance of the City of Kyle, Texas, to amend Chapter 47, Traffic and Vehicles, Article IV, Traffic Control Devices, by establishing a process to conduct signal analysis for placement of traffic regulatory signs; providing for a penalty for violation hereof; repealing all parts of ordinances in conflict; providing a severability clause; and open meetings clause; and providing for related matters. ~ Jeff Barnett, Chief of Police

Item No. 12 Attachments

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Mayor Webster brought forward Item No. 12 for discussion. Chief Barnett presented the item. Assistant City Manager James Earp spoke on the topic, as well as City Manager Scott Sellers and City Attorney Frank Garza.

Council Member Tenorio moved to deny this Ordinance of the City of Kyle, Texas, to amend Chapter 47, Traffic and Vehicles, Article IV, Traffic Control Devices, by establishing a process to conduct signal analysis for placement of traffic regulatory signs; providing for a penalty for violation hereof; repealing all parts of ordinances in conflict; providing a severability clause; and open meetings clause; and providing for related matters. The motion failed for lack of a second.

Mayor Webster moved to table this Ordinance of the City of Kyle, Texas, to amend Chapter 47, Traffic and Vehicles, Article IV, Traffic Control Devices, by establishing a process to conduct signal analysis for placement of traffic regulatory signs; providing for a penalty for violation hereof; repealing all parts of ordinances in conflict; providing a severability clause; and open meetings clause; and providing for related matters. Council Member Wilson seconded the motion. All votes aye; motion carried 6-0.

13. (First Reading) An Ordinance amending the Code of Ordinances of the City of Kyle, Texas, by amending Chapter 20, Article IV, Sections 20-162 through 20-176, entitled Alarm Systems of said code; providing for definitions; establishing regulations of alarm operations; requiring registration; providing for penalties; providing for appeals to city manager; establishing fees; establishing duties of alarm companies; providing public notice pursuant to the Texas Open Meetings Act; establishing that this article shall govern over previously adopted ordinances and resolutions in conflict with said article; providing for severability; for an effective date; and making such other findings and provisions related hereto. ~ Jeff Barnett, Chief of Police  
Item No. 13 Attachments

Mayor Webster brought forward Item No. 13 for discussion. Chief Barnett presented the item.

Council Member Tenorio moved to approve an Ordinance amending the Code of Ordinances of the City of Kyle, Texas, by amending Chapter 20, Article IV, Sections 20-162 through 20-176, entitled Alarm Systems of said code; providing for definitions; establishing regulations of alarm operations; requiring registration; providing for penalties; providing for appeals to city manager; establishing fees; establishing duties of alarm companies; providing public notice pursuant to the Texas Open Meetings Act; establishing that this article shall govern over previously adopted ordinances and resolutions in conflict with said article; providing for severability; for an effective date; and making such other findings and provisions related hereto. Council Member Arabie seconded the motion. All votes aye; motion carried 6-0.

14. Consider and possible action to approve a Memorandum of Understanding between Hays Caldwell Public Utility Agency and the cities of Buda, Kyle and San Marcos for Water Supply Sharing. ~ James R. Earp, Assistant City Manager  
Item No. 14 Attachments

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Mayor Webster brought forward Item No. 14 for discussion. Mr. Earp presented the item and introduced Graham Moore, HCPUA Executive Director. Mr. Moore discussed the Memorandum of Understanding and provided a general update.

Council Member Wilson moved to approve a Memorandum of Understanding between Hays Caldwell Public Utility Agency and the cities of Buda, Kyle and San Marcos for Water Supply Sharing. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

15. 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. 15 Attachments

Mayor Webster brought forward Item No. 15 for discussion. Mayor Webster presented the item.

Council Member Wilson moved to 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. Council Member Fogley seconded the motion. Motion carried 5-1; Council Member Tenorio dissented.

16. Consider and possible action regarding FM 1626 at Dorman traffic control. ~ J. Scott Sellers, City Manager  
Item No. 16 Attachments

Mayor Webster brought forward Item No. 16 for discussion. Mr. Sellers presented the item. Assistant City Manager James Earp discussed a similar roundabout that is a 60 mph road intersecting with a 40 mph road. Mayor Webster called Officer Dan Pruitt to speak. He spoke in favor of a roundabout because they force drivers to slow down.

Council Member Arabie moved to show support for a roundabout at FM 1626 at Dorman traffic control. Council Member Fogley seconded the motion.

Mayor Webster called for a roll call vote. Mayor Webster voted aye; Council Member Mitchell voted aye; Council Member Wilson voted aye; Mayor Pro Tem Fogley voted aye; Council Member Arabie voted aye; and Council Member Tenorio voted nay. Motion carried 5-1.

### IX. City Manager's Report

17. 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
  - Budget RetreatItem No. 17 Cover Sheet

Mr. Sellers stated that on Friday he will be sending his proposed budget in Excel format to the City Council. He reminded Council of the Budget Retreat scheduled for Saturday, July 30

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beginning at 8:00 a.m. and he anticipates it to end between 1:00 p.m. and 2:00 p.m. The regularly scheduled meeting on August 16<sup>th</sup> will instead be held on August 17<sup>th</sup>. On August 24<sup>th</sup> and August 31<sup>st</sup> there will be special meetings. He also announced that he will be speaking about the State of the City at the Chamber Luncheon on Tuesday, July 26<sup>th</sup> at 11:30 a.m.

X. Executive Session

18. 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.
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
4. Economic Development negotiations pursuant to Section 551.087.
  - a. Project Steel Blue  
Item No. 18 Cover Sheet

There was no Executive Session.

19. Take action on items discussed in Executive Session.  
Item No. 19 Cover Sheet

There was no Executive Session.

XI. 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. Council Member Fogley seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 10:19 p.m.

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R. Todd Webster, Mayor

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Attest: Jennifer A. Vetrano, City Secretary