

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on August 2, 2016 at Kyle City Hall with the following persons present:

Mayor Todd Webster	Lyssa Thames
Council Member Travis Mitchell	Jesse Espinoza
Council Member Becky Selbera	Peter Parcher
Council Member Shane Arabie	Jennifer Crosby
Council Member David Wilson	John Lahmon
Scott Sellers, City Manager	Chris Allen
James Earp, Assistant City Manager	David Méndez
Frank Garza, City Attorney	Andrew Hoekzema
Jerry Hendrix, Chief of Staff	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Harper Wilder, Public Works Director	
Mario Perez, Building Official	

I. Call Meeting To Order

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

Present were Mayor Webster, Council Member Mitchell, Council Member Selbera, Council Member Arabie, and Council Member Wilson. Mayor Pro Tem Fogley and Council Member Tenorio were absent. A quorum was present.

Mayor Webster moved to excuse Mayor Pro Tem Fogley's absence. Council Member Wilson seconded the motion. All votes aye; motion carried 5-0.

II. Approval of minutes

1. City Council Regular Meeting Minutes - July 19, 2016. ~ *Jennifer Vetrano, City Secretary*
Item No. 1 Attachments

Council Member Arabie moved to approve the City Council Regular Meeting Minutes for July 19, 2016. Council Member Wilson seconded the motion. All votes aye; motion carried 5-0.

CITY COUNCIL MEETING MINUTES

August 2, 2016 – Page 2

Kyle City Hall

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.

Lyssa Thames was called to speak. She spoke about the program to educate about and celebrate breastfeeding.

Jesse Espinoza was called to speak. He spoke about his case and dismissal from the Kyle Police Department. He spoke about several other officers' disciplinary histories. He asked the Council to take his concerns seriously and break the cycle of deception and corruption by the City of Kyle.

Peter Parcher was called to speak. He spoke on behalf of the Steeplechase Neighborhood Watch in opposition of the ordinance and any associated fees for homeowners with regard to the Alarm Ordinance, Agenda Item No. 9. Mr. Parcher also had questions related to the budget. He asked for clarification about how citizens are being taxed, and when citizens are being taxed. Mr. Parcher spoke in opposition of the discussed roundabout at FM 1626 and Dorman. He suggested the Council do more research about the number of accidents in roundabouts. Mr. Parcher stated that he spoke with a TxDOT representative who told him that the location was not suitable for a roundabout because it's coming off a bridge and it's on a curve. Mr. Parcher closed asking that if the roundabout is to be, please push public education.

Jennifer Crosby was called to speak. She spoke on behalf of For The Love of Go. She thanked Council Member Arabie and Council Member Mitchell for volunteering at a recent community race. She stated that the Negley Fitness Club is moving to Kyle Elementary as Community Fitness Club. Ms. Crosby concluded with a demonstration for Council and announced the website: www.ForTheLoveofGo.com/calendar.

John Lahmon spoke about Langley and Dunbar. He stated that their street light went out so he called PEC, who informed him he had to call the City. Mr. Lahmon stated he called Public Works, then had his wife follow up with a call to Public Works. Several days later, the light hadn't been fixed, so he went in person to the Public Works Department. He said more time passed, so he went in person to PEC and spoke with the representative there. He wanted Council to direct the Public Works Director to replace the light.

Mr. Sellers spoke on this issue stating that the city does not currently have the equipment necessary to reach the light, but attaining that equipment is in the works. He also stated that it is difficult for our staff to find out when these lights are out, and thanked Mr. Lahmon for bringing the issue forward.

CITY COUNCIL MEETING MINUTES

August 2, 2016 – Page 3

Kyle City Hall

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:19 p.m.

IV. Appointments

2. Consideration of Nomination(s) for Reappointment to the Board of Adjustments/Sign Control Board. ~ *Howard J. Koontz, Director of Planning Community Development*
 - a. Terri Thompson
 - b. Paul Terry
 - c. Matt Janysek
 - d. Inocencio Vazquez
 - e. Edgar RodriguezItem No. 2 Cover Sheet

Mayor Webster brought forward Item No. 2 for discussion. Mr. Koontz presented the item.

Council Member Wilson moved to approve the reappointments of Terri Thompson, Paul Terry, Matt Janysek, Inocencio Vazquez, and Edgar Rodriguez to the Board of Adjustments/Sign Control Board. Council Member Arabie seconded the motion. All votes aye; motion carried 5-0.

V. Public Hearings

3. Conduct a Public Hearing on the City's plans to issue General Obligation Refunding Bonds, Series 2016 in the approximate par amount of \$8,370,000.00 in order to refund portions of its outstanding obligations including Certificates of Obligation, Series 2007 and Series 2008 and General Obligation Refunding Bonds, Series 2009. The purpose of the refunding is to provide approximately \$1,110,000.00 in debt service savings for the City of Kyle. ~ *Perwez A. Moheet, CPA, Director of Finance*
Item No. 3 Cover Sheet

Mayor Webster brought forward Item No. 3 for discussion.

With no objections, Mayor Webster opened the public hearing at 7:21 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 7:22 p.m.

VI. Consent Agenda

Mayor Webster asked if there were any items to be pulled from the Consent Agenda. Mayor Webster pulled Item No. 4. No other items were pulled. With no objections, Mayor Webster brought forward Item Nos. 5, 6, and 7.

5. Award a bid to VIKING CONSTRUCTION, INC., Georgetown, Texas, lowest and most responsible bidder, in an amount not to exceed \$266,358.95 for the 2016 Miscellaneous Streets Micro-Surfacing Project. ~ *Leon Barba, P.E., City Engineer*
Item No. 5 Attachments

CITY COUNCIL MEETING MINUTES

August 2, 2016 – Page 4

Kyle City Hall

6. (Second 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 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. 6 Attachments

7. Silberberg Development - Site Plan (SD-16-011) 2.427 acres; 1 commercial lot located at 4210 Benner. ~ *Howard J. Koontz, Director of Planning Community Development*

Planning and Zoning Commission voted 5-0 to approve the site plan.

Item No. 7 Attachments

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

4. (First and Final Reading) Approve an Ordinance of the City of Kyle, Texas authorizing the issuance of City of Kyle, Texas General Obligation Refunding Bonds, Series 2016 in an approximate par amount of \$8,370,000.00, authorizing the refunding of certain outstanding obligations; levying a continuing direct annual ad valorem tax on all taxable property within the City to pay the interest on said bond and to create a sinking fund for the redemption thereof and the assessment and collection of such taxes; authorizing the delivery of an escrow agreement; authorizing the sale thereof; and enacting provisions incident and related to the issuance of said bonds. The purpose of this refunding is to provide approximately \$1,110,000.00 in debt service savings for the City of Kyle. ~ *Perwez A. Moheet, CPA, Director of Finance*
Item No. 4 Attachments

Mayor Webster brought forward Item No. 4 for discussion. Mr. Moheet presented the item. City's Financial Advisor, Chris Allen of First Southwest and Bond Counsel David Méndez of Bickerstaff Heath Delgado Acosta LLP. He introduced Mr. Allen to present the Council a status report. He explained that the life of the bond did not decrease, only the amount of the payments decreased.

CITY COUNCIL MEETING MINUTES

August 2, 2016 – Page 5

Kyle City Hall

Council Member Wilson moved to approve an Ordinance of the City of Kyle, Texas authorizing the issuance of City of Kyle, Texas General Obligation Refunding Bonds, Series 2016 in an approximate par amount of \$8,370,000.00, authorizing the refunding of certain outstanding obligations; levying a continuing direct annual ad valorem tax on all taxable property within the City to pay the interest on said bond and to create a sinking fund for the redemption thereof and the assessment and collection of such taxes; authorizing the delivery of an escrow agreement; authorizing the sale thereof; and enacting provisions incident and related to the issuance of said bonds. Council Member Arabie seconded the motion. All votes aye; motion carried 5-0.

VII. Consider and Possible Action

8. Discussion and possible action to join Central Texas Clean Air Coalition as a supporting or general member. ~ *J. Scott Sellers, City Manager*
Item No. 8 Cover Sheet

Mayor Webster brought forward Item No. 8 for discussion. Mr. Sellers presented the item, recommending we join as a supporting member. He introduced Mr. Andrew Hoekzema of CAPCOG. Mr. Hoekzema presented the benefits to the city in joining the Clean Air Coalition. He also mentioned the different components of member versus supporting member. Council Member Wilson asked Mr. Hoekzema about whether joining would require more stringent motor vehicle inspections. Mr. Hoekzema stated there are no requirements like that. Council Member Mitchell asked if there are any regulatory components to participating. Mr. Hoekzema stated that it is about the community joining at the level they are comfortable. Mayor Webster stated that his concern previously was that we would be doing something that would possibly create an obstacle for bringing businesses to the area. Mayor Webster asked Mr. Hoekzema to speak about the grant opportunity. Mr. Hoekzema responded that if the City had a project that would address the presented Activities that Help, that project would be eligible to apply for a grant. Council Member Selbera asked Mr. Sellers how the ED&T Board came at their recommendation. Mr. Sellers called on Economic Development Director Diana Torres. She stated that there were many questions about reporting such as man-hours, other costs in addition to the man-hours, any obstacles if the city were to join, any impact if the city doesn't join, etc. She stated it was a unanimous vote to support joining as a supportive member. Mr. Sellers stated that the grant is an incentive, and joining is to improve our practices for a cleaner environment. Council Member Mitchell asked how CAPCOG Clean Air Coalition is funded. Mr. Hoekzema stated that it is state funded. Council Member Wilson asked Mr. Hoekzema to go through the process, asked about grant amounts, and monitoring requirements. Mr. Hoekzema responded that a selection committee reviews the applications and scores them. Their recommendation goes to an executive committee to make a decision.

Mayor Webster moved to join Central Texas Clean Air Coalition as a supporting member. Council Member Arabie seconded the motion.

There was discussion on the motion. Council Member Mitchell stated that he is struggling with tethering ourselves to an organization with no tangible benefit to the City. Council

CITY COUNCIL MEETING MINUTES

August 2, 2016 – Page 6

Kyle City Hall

Member Wilson stated his concern for citizens to be under high pressure to replace vehicles due to emissions testing.

Mayor Webster called for a roll call vote. Mayor Webster voted aye, Council Member Arabia voted aye, Council Member Mitchell voted nay, Council Member Selbera voted nay, Council Member Wilson voted nay. Mayor Pro Tem Fogley and Council Member Tenorio were absent. Motion failed 2-3.

9. (Second 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. 9 Attachments

Mayor Webster brought forward Item No. 9 for discussion. Chief Barnett presented the item. Mayor Webster stated that he is suggesting the Council table this item to consider the fees, the agreement with a third party, etc. Council Member Wilson stated that he agrees based on two absences on Council this evening with strong feelings on this topic. Council Member Mitchell stated that he first was a proponent of creating a fee structure to curb the false alarms, but there is state law against it. He stated he would like to see a six-month period after 1/1/2017 for no citations on first offenses. Mayor Webster stated his concern is with the third party agreement, not that he is close-minded to it. Council Member Mitchell stated that from a financial standpoint, he does not believe the third party will agree to a \$10 Residential/\$20 Commercial fee. Chief Barnett stated that at this time the PD doesn't have staff to address this issue, and this would help to address the issue. Mayor Webster stated that his concern with a third party is the data security.

Mayor Webster moved to table the item. Council Member Selbera seconded the motion. All votes aye; motion carried 5-0.

10. (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. 10 Attachments

Mayor Webster brought forward Item No. 10 for discussion. Chief Barnett presented the item. Mayor Webster stated that he believes our policy should simply be that we do not install

CITY COUNCIL MEETING MINUTES

August 2, 2016 – Page 7

Kyle City Hall

unwarranted stop signs. Council Member Mitchell has additional language that he would like to propose. He stated that it has dawned on him that Council is meddling in something that should be a staff decision. Council Member Selbera asked Chief Barnett to place on the application to limit the options to stop signs or traffic lights. Council Member Mitchell stated that by voting down this ordinance, there is still no solution to the issue. Mayor Webster stated that he believes we should develop a policy to not install unwarranted stop signs. Council Member Wilson expressed concern that installing an unwarranted stop sign can put people at risk. He stated that by approving these stop signs we may be making our community less safe. Mr. Sellers stated that traffic patterns can be altered, or shift over time, which is why previously approved intersections may be studied at a later time. Mayor Webster asked if there were any objections to instruct staff to come back with a policy based on the conversation. There was none.

Council Member Arabie moved to deny 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. Council Member Selbera seconded the motion. All votes aye; motion carried 5-0.

11. (First Reading) An ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 53 (Zoning), Article V (Landscaping and Screening Requirements); Relating to Outdoor Lighting Standards. ~ *Howard J. Koontz, Director of Planning Community Development*

Planning and Zoning Commission voted 5-0 to recommend approval with the exceptions outlined in staff report.

- PUBLIC HEARING

Item No. 11 Attachments

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

With no objections, Mayor Webster opened the public hearing at 9:16 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 9:16 p.m.

Council Member Arabie moved to approve an ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 53 (Zoning), Article V (Landscaping and Screening Requirements); Relating to Outdoor Lighting Standards. Mayor Webster seconded the motion.

Mayor Webster called for a roll call vote. Council Member Mitchell voted aye, Council Member Arabie voted aye, Council Member Selbera voted aye, Mayor Webster voted aye, Council Member Wilson voted aye. Mayor Pro Tem Fogley and Council Member Tenorio were absent. Motion carried 5-0.

CITY COUNCIL MEETING MINUTES

August 2, 2016 – Page 8

Kyle City Hall

12. Authorize award and execution of a Purchase Order to AARON CONCRETE CONTRACTORS, LP, Austin, Texas, lowest and most responsible bidder, in a total amount not to exceed \$4,546,257.03. ~ *Leon Barba, P.E., City Engineer*
Item No. 12 Attachments

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

Council Member Selbera moved to authorize award and execution of a Purchase Order to Aaron Concrete Contractors, LP, Austin, Texas, lowest and most responsible bidder, in a total amount not to exceed \$4,546,257.03. Council Member Arabie seconded the motion. All votes aye; motion carried 5-0.

VIII. City Manager's Report

13. 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*
 - New City Website
 - Council Meeting 10/4/2016Item No. 13 Cover Sheet

Mr. Sellers discussed possibly cancelling the October 4th, 2016 meeting due to National Night Out and the TML conference at which many council members will be in attendance. There was a consensus of Council to cancel the October 4th meeting. Mr. Sellers called Chief of Staff Jerry Hendrix to present the new city website, which will go live on August 8th. Council Member Selbera stated that some of her constituents speak only Spanish and asked if there could be a translated option.

IX. Executive Session

14. 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.
 - Possible litigation regarding City's Pilot Transportation Program
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - ROW Acquisition
 3. Personnel matters pursuant to Section 551.074.
 4. Economic Development negotiations pursuant to Section 551.087.
 - Project Steel BlueItem No. 14 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

CITY COUNCIL MEETING MINUTES

August 2, 2016 – Page 9

Kyle City Hall

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: Possible litigation regarding City's Pilot Transportation Program; 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072: ROW Acquisition. Council Member Arabie seconded the motion. All votes aye; motion carried 5-0. The Council did not discuss Project Steel Blue.

The City Council convened into Executive Session at 9:28 p.m.

15. Take action on items discussed in Executive Session.

Item No. 15 Cover Sheet

Council Member Selbera moved to reconvene into open session. Council Member Mitchell seconded the motion. All votes aye; motion carried 5-0.

The City Council reconvened into Open Session at 10:00 p.m. Mayor Webster announced that no action took place in Executive Session and none would be taken now.

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 Wilson moved to adjourn. Council Member Selbera seconded the motion. All votes aye; motion carried 5-0.

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