

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on April 4, 2017 at Kyle City Hall with the following persons present:

Mayor Todd Webster
Mayor Pro Tem Damon Fogley
Council Member Travis Mitchell
Council Member Becky Selbera
Council Member Shane Arabie
Council Member David Wilson
Scott Sellers, City Manager
James Earp, Assistant City Manager
Frank Garza, City Attorney
Jerry Hendrix, Chief of Staff
Jennifer Vetrano, City Secretary
Leon Barba, City Engineer
Perwez Moheet, Finance Director
Marco Forti, IT Technician
Howard Koontz, Community Dev Director
Jeff Barnett, Chief of Police
Pedro Hernandez, Police Captain
Harper Wilder, Director of Public Works
Scott Egbert, Div. Mgr. – Street Operations

Marquet Curl
Robert Edwards
Stuart Kirkwood
Pete Oppel
Jo Fenety
Mark Jones
Graham Moore
Kate Johnson

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 Selbera, Council Member Arabie, Council Member Wilson, and Mayor Pro Tem Fogley. Council Member Tenorio was absent due to a family reason. A quorum was present.

Mayor Webster moved to excuse Council Member Tenorio's absence. Council Member Arabie seconded the motion. All votes aye; motion carried 6-0.

II. Approval of minutes

1. City Council Regular Meeting Minutes - March 21, 2017. ~ *Jennifer Vetrano, City Secretary*
Item No. 1 Attachments

Mayor Webster brought forward Item No. 1.

CITY COUNCIL MEETING MINUTES

April 4, 2017 – Page 2

Kyle City Hall

Mayor Pro Tem Fogley moved to approve City Council Regular Meeting Minutes for March 21, 2017. Council Member Wilson 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.

Chief Barnett introduced the new Chaplain program to Council. He introduced Pastor Marquet V. Curl, Senior Pastor of Christ Kingdom Church in Kyle. Chief Barnett provided a biography of Pastor Curl. Pastor Curl spoke about his plans and initiatives related to this Chaplain program. He spoke of his mission to make an impact in the community.

Robert Edwards with CASA of Central Texas was called to speak. He spoke about Child Abuse Awareness and Prevention month. He spoke about CASA and the services they provide to children in the foster care system.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:15 p.m.

IV. Presentation

2. Presentation on Pie Capital of Texas. ~ *J. Scott Sellers, City Manager*
Item No. 2 Cover Sheet

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

3. Presentation on a proposed sidewalk maintenance program. ~ *David Wilson, Council Member*
Item No. 3 Attachments

Mayor Webster brought forward Item No. 3 for discussion and gave the floor to Council Member Wilson. He introduced the item as it relates to the City's Code of Ordinances Section 38-21. Harper Wilder, Director of Public Works, presented the item.

V. Appointments

4. Confirm City Manager's appointment to the Civil Service Commission to fill a vacancy for an unexpired term to expire July 31, 2017. ~ *J. Scott Sellers, City Manager*
Item No. 4 Attachments
 - Stuart Kirkwood

Mayor Webster brought forward Item No. 4 for discussion. Mr. Sellers introduced Mr. Kirkwood.

CITY COUNCIL MEETING MINUTES

April 4, 2017 – Page 3

Kyle City Hall

Council Member Wilson moved to approve City Manager's appointment to the Civil Service Commission to fill a vacancy for an unexpired term to expire July 31, 2017. Council Member Arabie seconded the motion. All votes aye; motion carried 6-0.

5. Consider nominations and take action for appointment to the Planning and Zoning Commission to fill unexpired terms. ~ *Howard J. Koontz, Director of Planning and Community Development*
Item No. 5 Attachments
 - Pete Oppel - Seat 2
 - Jo Fenety - Seat 7

Mayor Webster brought forward Item No. 5 for discussion. Mr. Koontz presented the item. Mayor Webster asked Mr. Oppel to approach. Mr. Oppel stated that he believes all of council and all of the P&Z have the same goal: to make this city the best it can be.

Council Member Wilson moved to approve appointment of Pete Oppel to seat 2 of the Planning and Zoning Commission to fill unexpired terms. Council Member Selbera seconded the motion. All votes aye; motion carried 6-0.

Jo Fenety was called to speak. She stated that she is looking forward to joining Team P&Z.

Council Member Mitchell moved to approve appointment of Jo Fenety to seat 7 of the Planning and Zoning Commission to fill unexpired terms. Council Member Selbera seconded the motion. All votes aye; motion carried 6-0.

VI. 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. 6, 7, and 8.

6. Approve Supplement No. 4 to HDR ENGINEERING, INC., Austin, Texas in the amount of \$35,000.00 for revising the illumination system, evaluating the impacts of reusing the Goforth Plum Creek box culverts, coordinating driveway access locations for new development, providing additional wastewater design and revising all related plan, specifications and estimates, for the Lehman Road Improvements for a total contract amount not to exceed \$1,079,754.50. ~ *Leon Barba, P.E., City Engineer*
Item No. 6 Attachments
7. A Resolution suspending the implementation of the interim rate adjustment by TEXAS GAS SERVICE COMPANY under Section 1.04.301 of the Texas Utilities Code within the City of Kyle, Texas, pending hearing and discussion by the City Council. ~ *Jerry Hendrix, Chief of Staff*
Item No. 7 Attachments
8. Authorize award and execution of a Purchase Order to CALDWELL COUNTRY, Caldwell, Texas in an amount not to exceed \$39,458.00 for the purchase of one (1) new 2017 Chevrolet 3500HD 4x4 crew cab work truck through the Buy Board Purchasing Co-

CITY COUNCIL MEETING MINUTES

April 4, 2017 – Page 4

Kyle City Hall

operative for Street Maintenance Division of the Public Works Department. ~ *Harper Wilder, Director of Public Works*
Item No. 8 Attachments

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

VII. Consider and Possible Action

17. Consider approval of a Resolution of the City of Kyle, Texas, Indicating Support for the Realignment of FM 2001. ~ *Todd Webster, Mayor*
Item No. 17 Attachments

With no objections, Mayor Webster brought forward Item No. 17 for discussion first to allow Commissioner Mark Jones, who was in attendance, to present the item.

Mayor Pro Tem Fogley moved to approve a Resolution of the City of Kyle, Texas, Indicating Support for the Realignment of FM 2001. Council Member Wilson seconded the motion. All votes aye; motion carried 6-0.

9. (Second Reading) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 52.990 acres of land from Single Family Residential-2 'R-1-2' to Single Family Residential-3 'R-1-3' for property located on the north side of Bebee Road, 1/4 mile west of Dacy Lane, in Hays County, Texas. (The Meadows at Kyle II, Ltd. (Sunset Hills) - Z-16-009). ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 6-0 to recommended to rezone the property to R-1-3.
Item No. 9 Attachments

Mayor Webster brought forward Item No. 9 for discussion. Mr. Koontz presented the item.

Mayor Pro Tem Fogley moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 52.990 acres of land from Single Family Residential-2 'R-1-2' to Single Family Residential-3 'R-1-3' for property located on the north side of Bebee Road, 1/4 mile west of Dacy Lane, in Hays County, Texas. Council Member Selbera seconded the motion. Motion carried 5-1 with Council Member Mitchell dissenting.

10. (Second Reading) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately (Tract 1: 27.66 acres of land) (Tract 2: 4.19 acres of land) from Agriculture 'AG; to Retail Service District 'RS' for properties located at (Tract 1: 900 and 1000 Scott Street) (Tract 2: 1101 Old Stagecoach Road), in Hays County, Texas. (MooreRood Properties, LLC - Z-17-003). ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-1 to recommend approval.
Item No. 10 Attachments

CITY COUNCIL MEETING MINUTES

April 4, 2017 – Page 5

Kyle City Hall

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

Council Member Wilson moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately (Tract 1: 27.66 acres of land) (Tract 2: 4.19 acres of land) from Agriculture 'AG; to Retail Service District 'RS' for properties located at (Tract 1: 900 and 1000 Scott Street) (Tract 2: 1101 Old Stagecoach Road), in Hays County, Texas. Mayor Pro Tem Fogley seconded the motion. Motion carried 5-1 with Council Member Selbera dissenting.

11. (Second Reading) An Ordinance of the City of Kyle, Texas, amending Section 53- 899 "I-35 Overlay District Development Standards.", of Chapter 53 "Zoning", of the City of Kyle Code of Ordinances, by removing the allowance for outdoor display and sales of new and used vehicles (as described herein), from the I-35 Overlay District Development Standards. ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-1 to recommend approval.
Item No. 11 Attachments

Mayor Webster brought forward Item No. 11 for discussion. Council Member Mitchell stated he would abstain from discussion on this item.

Mayor Pro Tem Fogley moved to approve an Ordinance of the City of Kyle, Texas, amending Section 53- 899 "I-35 Overlay District Development Standards.", of Chapter 53 "Zoning", of the City of Kyle Code of Ordinances, by removing the allowance for outdoor display and sales of new and used vehicles (as described herein), from the I-35 Overlay District Development Standards. Council Member Wilson seconded the motion. All votes aye; motion carried 5-0 with Council Member Mitchell abstaining.

12. Approve award of a contract to HALFF ASSOCIATES, INC., Austin, Texas, in an amount not to exceed \$177,500.00 for the development of City of Kyle Storm Drainage & Flood Risk Mitigation Utility Master Plan. ~ *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 Wilson stated for the record that he has assured a particular drainage issue will be part of this study. He stated that residents of 108 Park Place have reached out to him and four or five homes in that area experience flooding when it rains as little as less than two inches. He would like those areas considered in this study.

Council Member Selbera moved to approve award of a contract to Halff Associates, Inc., Austin, Texas, in an amount not to exceed \$177,500.00 for the development of City of Kyle Storm Drainage & Flood Risk Mitigation Utility Master Plan. Council Member Wilson seconded the motion.

There was discussion on the motion. Council Member Selbera thanked Mr. Barba for his hard work in making these projects possible.

CITY COUNCIL MEETING MINUTES

April 4, 2017 – Page 6

Kyle City Hall

All votes aye; motion carried 6-0.

13. Consider and possible action to approve an interlocal agreement between the City of Kyle, Texas and the Hays Caldwell Public Utility Agency Related to Construction of a Water Line Extension. ~ *Graham Moore, Executive Director, Hays Caldwell Public Utility Agency*
Item No. 13 Attachments

Mayor Webster brought forward Item No. 13 for discussion. Mr. Moore presented the item.

Council Member Wilson moved to approve an interlocal agreement between the City of Kyle, Texas and the Hays Caldwell Public Utility Agency Related to Construction of a Water Line Extension. Council Member Selbera seconded the motion. All votes aye; motion carried 6-0.

14. Presentation on Historic Train Depot fencing and possible action to approve improvements for restoration of caboose. ~ *Travis Mitchell, Council Member*
Item No. 14 Cover Sheet

Mayor Webster brought forward Item No. 14 for discussion and gave the floor to Council Member Mitchell. Ms. Kate Johnson, Chair of the Train Depot Board and Chair of the Hays County Historical Commission, presented the item.

Council Member Mitchell moved to authorize the Hays County Historical Commission to solicit RFPs for improvements for restoration of caboose to be funded by Historic Commission, and authorize the expenditure of up to \$2,500 towards the required fencing with the difference in funds being raised by the Hays County Historical Commission. Council Member Selbera seconded the motion. All votes aye; motion carried 6-0.

15. Discussion and action regarding a letter of appreciation, response to the Hays CISD School Board regarding Freeport exemption. ~ *R. Todd Webster, Mayor*
Item No. 15 Cover Sheet

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

Mayor Webster moved to approve a letter of appreciation to the Hays CISD School Board regarding Freeport exemption. Council Member Selbera seconded the motion.

There was discussion on the motion. Council Member Wilson commented that he is thankful that the School Board moved forward. He thanked Council Member Mitchell for leading the charge, Chamber of Commerce, San Marcos Partnership, and business owners who participated in communication on what this means for them in our community and for providing jobs. He stated that he would like for the students graduating here in Kyle to have places to work here. He also thanked Commissioner Jones.

All votes aye; motion carried 6-0.

CITY COUNCIL MEETING MINUTES

April 4, 2017 – Page 7

Kyle City Hall

16. Discussion regarding revisions needed to strengthen the Code of Ethics. ~ *Todd Webster, Mayor*
Item No. 16 Cover Sheet

Mayor Webster brought forward Item No. 16 for discussion. He stated his intention was to bring a list, but his illness delayed his preparations. He spoke about four major issues: the way Council makes appointments can cause quorum issues, there is a conflict between the city charter and the ordinance related to the attorney, the ordinance is overly complex with technicalities and procedural issues, and there were some problems that the Ethics Commission and City Attorney Frank Garza had been working to correct. Mayor Webster stated he plans to make the list for the next meeting and will seek Council's consent to clean up the ordinance.

Mayor Webster moved to postpone Discussion regarding revisions needed to strengthen the Code of Ethics. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

VIII. City Manager's Report

18. 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*
 - Household SurveyItem No. 18 Cover Sheet

Mr. Sellers announced the 2017 Household Survey is available at www.cityofkyle.com/survey.

IX. Executive Session

19. 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.
 - Terms and conditions of effluent agreement
 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.Item No. 19 Cover Sheet

Mayor Webster 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 - Terms and conditions of effluent agreement. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

CITY COUNCIL MEETING MINUTES

April 4, 2017 – Page 8

Kyle City Hall

The City Council convened into executive session at 8:48 p.m.

20. Take action on items discussed in Executive Session.
Item No. 20 Cover Sheet

Mayor Webster 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 9:05 p.m. Mayor Webster announced that no action took place in Executive Session and no action would be taken now.

X. ADJOURN

Council Member Selbera 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 9:05 p.m.

R. Todd Webster, Mayor

Attest: Jennifer A. Vetrano, City Secretary