

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on June 6, 2017 at Kyle City Hall with the following persons present:

Mayor Todd Webster  
Council Member Travis Mitchell  
Council Member Becky Selbera  
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  
Jerry Hendrix, Chief of Staff  
Kim Hilsenbeck, Communications Specialist  
Jennifer Vetrano, City Secretary  
Leon Barba, City Engineer  
Diana Torres, Economic Dev Director  
Perwez Moheet, Finance Director  
Matt Dawson, IT Director  
Danielle Harvey, IT Technician  
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

Mac McCullough  
Christina Depperschmidt  
Robin Robinson  
Thomas Lefrance  
Graham Moore

### 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 Arabie, Council Member Wilson, and Council Member Tenorio. A quorum was present. Mayor Pro Tem Fogley was absent. Council Member Selbera arrived at 7:09 p.m.

Council Member Mitchell moved to excuse Mayor Pro Tem Fogley's absence due to a death in the family. Council Member Wilson seconded the motion. All votes aye; motion carried 5-0. Council Member Selbera was absent for the vote.

### II. Approval of minutes

1. City Council Regular Meeting Minutes - May 16, 2017. ~ *Jennifer Vetrano, City Secretary*

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### Item No. 1 Attachments

Mayor Webster brought forward Item No. 1.

Council Member Tenorio moved to approve the City Council Regular Meeting Minutes of May 16, 2017. Council Member Arabie seconded the motion. All votes aye; motion carried 5-0. Council Member Selbera was absent for the vote.

### 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 7:01 p.m.

Mac McCullough, Mayor of Wimberley, was called to speak. He stated that he does not know who was responsible for making the decision to send an extra fire truck while part of their downtown was on fire, but he was thankful for it.

Christina Depperschmidt, of the Plum Creek Safety Committee, was called to speak regarding the Sidewalk Maintenance item. She also spoke about parking ticket fines, Fire Department personnel having to get out of their trucks to pull in their mirrors due to the narrow streets, and the driveways that are too short to park a car. She asked the Council to track those tickets and events that will set priority for corrections and retrofits that will need to take place.

Robin Robinson representing the Gregg family was called to speak. She spoke about the Blanco River Ranch development concerning Stagecoach Road and the entrance to the development. She asked about a possible traffic impact study. Her concern was traffic bottlenecking if that is to be the main entrance to this very large development. Ms. Robinson expressed preference to having an elementary school built rather than some kind of sports complex. She asked when the owners would be contacted about what the road is to become.

Council Member Selbera arrived at 7:09 p.m.

Thomas Lefrance was called to speak. He spoke about the sidewalks in Plum Creek. He asked Council to find an alternative to a \$1000 fix at cost to the residents.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:17 p.m.

### IV. Presentation

2. Presentation regarding Sidewalk Maintenance. ~ *David Wilson, Council Member*  
Item No. 2 Cover Sheet

Mayor Webster brought forward Item No. 2 for discussion and gave the floor to Council Member Wilson. Mr. Wilson presented the item and then called Harper Wilder, Director of Public

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Works, to provide more details. Mr. Wilder described the process of using Polylevel to repair sidewalks, and included the cost comparison. No action was taken.

### V. Consent Agenda

Mayor Webster asked if there were any items to be pulled from the Consent Agenda. Council Member Tenorio pulled 3, 5, and 7. With no objections, Mayor Webster brought forward Item Nos. 4 and 6.

4. Approve Supplement No. 4 to LOCKWOOD, ANDREWS, & NEWMAN, INC., San Antonio, Texas in the amount of \$42,175.00 for additional services associated with the Goforth Road Improvements for a total contract amount not to exceed \$1,426,435.51. ~ *Leon Barba, P.E., City Engineer*  
Item No. 4 Attachments
6. Authorize award and execution of a Purchase Order to ALAMO INDUSTRIAL, Seguin, Texas in an amount not to exceed \$60,384.00 for the purchase of a new Machete II Boom Shredder 22' attachment including mounting and installation to a tractor through the Buy Board Purchasing Co-Operative for the Storm Drainage & Flood Risk Mitigation Utility in the Public Works Department. ~ *Harper Wilder, Director of Public Works*  
Item No. 6 Attachments

Council Member Arabie moved to approve Consent Agenda Item Nos. 4, and 6. Council Member Wilson seconded the motion. All votes aye; motion carried 6-0.

3. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.5 acres of land from Construction Manufacturing 'CM' to Community Commercial 'CC' for property located at 1408 W. Center Street, in Hays County, Texas. (Z-17-010) ~ *Howard J. Koontz, Director of Planning and Community Development*  
*Planning and Zoning Commission voted 4-2 to recommend Neighborhood Commercial 'NC'.*  
Item No. 3 Attachments

Mayor Webster brought forward Item No. 3 and gave the floor to Council Member Tenorio. She asked Community Development Director Howard Koontz to clarify which would not allow the drive-thru. 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 rezoning approximately 0.5 acres of land from Construction Manufacturing 'CM' to Community Commercial 'CC' for property located at 1408 W. Center Street, in Hays County, Texas. Council Member Arabie seconded the motion. Motion carried 5-1 with Council Member Tenorio dissenting.

5. Authorize award and execution of a Purchase Order to DEERE & COMPANY, Cary, North Carolina through authorized dealer AG-PRO of Seguin, Texas in an amount not to exceed \$76,182.32 for the purchase of one new 2017 John Deere 6110M Cab Tractor

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through the State of Texas' Multiple Award Schedule (TXMAS) contracts for the Storm Drainage & Flood Risk Mitigation Utility in the Public Works Department. ~ *Harper Wilder, Director of Public Works*  
Item No. 5 Attachments

Mayor Webster brought forward Item No. 5 and gave the floor to Council Member Tenorio. She commented that there have been many questions about why the storm drains have not begun being cleaned yet. She noted that the reason is that they are using the funds to purchase the equipment and necessities to get the plan going.

Council Member Tenorio moved to approve award and execution of a purchase order to Deere & Company, Cary, North Carolina through authorized dealer AG-PRO of Seguin, Texas in an amount not to exceed \$76,182.32 for the purchase of one new 2017 John Deere 6110M Cab Tractor through the State of Texas' Multiple Award Schedule (TXMAS) contracts for the Storm Drainage & Flood Risk Mitigation Utility in the Public Works Department. Council Member Arabie seconded the motion.

There was discussion on the motion. Mayor Webster stated that he had seen an announcement in a recent city newsletter informing residents that stormwater drainage work had begun.

All votes aye; motion carried 6-0.

7. Approve a Resolution by the City Council of the City of Kyle, Texas, designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7216212. ~ *J. Scott Sellers, City Manager*  
Item No. 7 Attachments

Mayor Webster brought forward Item No. 7 and gave the floor to Council Member Tenorio. She asked City Manager Scott Sellers what the amount was for this grant award. Mr. Sellers presented the item.

Council Member Tenorio moved to approve a resolution by the City Council of the City of Kyle, Texas, designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7216212. Council Member Arabie seconded the motion. All votes aye; motion carried 6-0.

### VI. Consider and Possible Action

8. Approve a Resolution of the City Council of the City of Kyle, Texas, authorizing and creating the BLANCO RIVER RANCH PUBLIC IMPROVEMENT DISTRICT (PID) pursuant to consideration of the petition for the proposed district, evidence and testimony presented at the public hearing, and findings of the City Council. ~ *Howard J. Koontz, Director of Planning and Community Development*
  - Public HearingItem No. 8 Attachments

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Mayor Webster brought forward Item No. 8 for discussion. Mr. Koontz presented the item. Mr. Sellers thanked and acknowledged the history and partnership that exists between the City of Kyle and the Gregg family. He addressed the questions brought forward by Ms. Robinson during Citizen Comments. He stated that the developer is looking to shift the entrance further south away from the Gregg family homes. Mr. Sellers spoke about developer and city obligations for widening the road. In the concept plan there is a plan for a school. The type of school - elementary, middle, or high school would be a school board decision. Addressing when the residents will be notified about Old Stagecoach, Mr. Sellers stated that without financial contributions from the county or other sources, the improvements to the road are many years off at this time.

With no objections, Mayor Webster opened the public hearing at 8:03 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 8:04 p.m.

Council Member Selbera moved to approve a resolution of the City Council of the City of Kyle, Texas, authorizing and creating the Blanco River Ranch Public Improvement District (PID) pursuant to consideration of the petition for the proposed district, evidence and testimony presented at the public hearing, and findings of the City Council. Council Member Wilson seconded the motion. Motion carried 5-1 with Council Member Tenorio dissenting.

9. Discussion and possible direction to staff regarding the City of Kyle's share of capital improvement project costs, associated debt financing options, and timing of debt issuance as planned by Hays Caldwell Public Utility Agency (HCPUA). ~ *Graham Moore, P.E., Executive Director, HCPUA*  
Item No. 9 Attachments

Mayor Webster brought forward Item No. 9 for discussion. Mr. Moore presented the item. Mr. Moheet addressed Council questions related to amortization and the estimated rate to the consumer. Council Member Mitchell requested that a 20-year bond also be presented with impact to the general fund for a comparison. No action was taken.

10. (Second Reading) An ordinance of the City of Kyle, Texas, Adopting a Mid- Term Amendment to the City's 2010 Comprehensive Plan. ~ *Howard J. Koontz, Director of Planning and Community Development*  
*Planning and Zoning Commission voted 6-0 to recommend approval of the amendments.*  
Item No. 10 Attachments

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

Council Member Mitchell moved to approve an ordinance of the City of Kyle, Texas, Adopting a Mid-Term Amendment to the City's 2010 Comprehensive Plan. Council Member Wilson seconded the motion. Motion carried 5-1 with Council Member Tenorio dissenting.

11. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 98.106 acres of land from Single

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Family Residential Attached 'R-1-A' and Single Family Residential-2 'R-1-2' to Single Family Residential-3 'R-1-3' for property located off of Bunton Lane approximately 2,000 feet east of Twin Estates Drive, in Hays County, Texas. (Magnolia Reserve, LLC - Z-17-009). ~ *Howard J. Koontz, Director of Planning and Community Development*  
*Planning and Zoning Commission voted 6-0 to recommend approval of the request.*  
Item No. 11 Attachments

Mayor Webster brought forward Item No. 11 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 rezoning approximately 98.106 acres of land from Single Family Residential Attached 'R-1-A' and Single Family Residential-2 'R-1-2' to Single Family Residential-3 'R-1-3' for property located off of Bunton Lane approximately 2,000 feet east of Twin Estates Drive, in Hays County, Texas. Mayor Webster seconded the motion.

Mayor Webster requested a roll call vote. Mayor Webster voted aye, Council Member Mitchell voted nay, Council Member Selbera voted aye, Council Member Wilson voted aye, Council Member Tenorio voted nay, Mayor Pro Tem Fogley was absent, and Council Member Arabie voted nay.

Motion failed 3-3 with Council Members Mitchell, Arabie, and Tenorio on the prevailing side.

Council Member Mitchell moved to reconsider the vote for Item No. 11. Council Member Selbera seconded the motion.

There was discussion on the motion. Council Member Mitchell stated his belief that they should not leave the item with a split vote when a council member has an excused absence.

Mayor Webster requested a roll call vote. Mayor Pro Tem Fogley was absent, Council Member Mitchell voted aye, Council Member Wilson voted aye, Mayor Webster voted aye, Council Member Selbera voted aye, Council Member Arabie voted nay, and Council Member Tenorio voted nay.

Motion carried 4-2 with Council Members Arabie and Tenorio dissenting.

Council Member Mitchell moved to postpone Item No. 11 for the June 20, 2017 meeting. Council Member Wilson seconded the motion. Motion carried 5-1 with Council Member Tenorio dissenting.

12. Award a bid to VIKING CONSTRUCTION, INC., Georgetown, Texas, lowest and most responsible bidder, in an amount not to exceed \$468,755.27 for the 2017 Miscellaneous Streets Micro-Surfacing and Repair Project. ~ *Leon Barba, P.E., City Engineer*  
Item No. 12 Attachments

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

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Council Member Tenorio moved to award a bid to Viking Construction, Inc., Georgetown, Texas, lowest and most responsible bidder, in an amount not to exceed \$468,755.27 for the 2017 Miscellaneous Streets Micro-Surfacing and Repair Project. Council Member Wilson seconded the motion.

There was discussion on the motion. Mayor Webster stated that while the dollar amount is high, it saves so much money in the long run. He stated that it is the fourth year the city has been doing this, and it is so important.

All votes aye; motion carried 5-0. Council Member Arabie left the dais at 8:37 p.m. and was absent for the vote.

13. Approve a resolution authorizing the mayor to execute separate agreements with the following three (3) firms to provide consulting services for general civil engineering projects for all city departments: LJA ENGINEERING, INC., Austin, Texas; CP&Y, INC., Austin, Texas; and HDR ENGINEERING, INC., Austin, Texas providing that the meeting at which this Resolution is passed is open to the public in compliance with the Open Meetings Act; providing an effective date; making findings of fact; and providing for related matters herein. ~ *Leon Barba, P.E., City Engineer*  
Item No. 13 Attachments

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

Council Member Wilson moved to approve a resolution authorizing the mayor to execute separate agreements with the following three (3) firms to provide consulting services for general civil engineering projects for all city departments: LJA Engineering, Inc., Austin, Texas; CP&Y, Inc., Austin, Texas; and HDR Engineering, Inc., Austin, Texas. Council Member Tenorio seconded the motion. All votes aye; motion carried 5-0. Council Member Arabie was absent for the vote.

14. Consider a request by John Burke for a waiver to allow Blanco River Crossing Section 1, Amended Plat of Lot 12 & 13, Block N lots to be less than the minimum standards of 'greater than one acre' as required in Section 41-82 (Rural Subdivision Standards), in the City Code. ~ *Howard J. Koontz, Director of Planning and Community Development*  
Item No. 14 Attachments

Mayor Webster brought forward Item No. 14 for discussion. Mr. Koontz presented the item.

Council Member Wilson moved to approve a request by John Burke for a waiver to allow Blanco River Crossing Section 1, Amended Plat of Lot 12 & 13, Block N lots to be less than the minimum standards of 'greater than one acre' as required in Section 41-82 (Rural Subdivision Standards), in the City Code. Council Member Tenorio seconded the motion. All votes aye; motion carried 5-0. Council Member Arabie was absent for the vote.

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### VII. City Manager's Report

15. 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*

- July 4, 2017 Council Meeting

Item No. 15 Cover Sheet

Mr. Sellers announced that the city has an IT Director as of this week. Matt Dawson will be introduced at a later time. Mr. Sellers suggested cancelling the July 4, 2017 regularly scheduled Council meeting. Mayor Webster asked Mr. Sellers to address the fireworks enforcement campaign. Mr. Sellers announced the "You Light It, We Write It" campaign and stated that citations will be written this Fourth of July for fireworks violations. Council Member Arabia returned to the dais at approximately 8:43 p.m.

### VIII. Executive Session

16. 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.
  - Negotiation regarding easement acquisition
3. Personnel matters pursuant to Section 551.074.
4. Economic Development negotiations pursuant to Section 551.087.
  - Sea Green
  - Sunset Orange
  - Cherry Red
  - White Cloud
  - Red
  - Yellow
  - Wysteria
  - Timberwolf

Item No. 16 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. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - Negotiation regarding easement acquisition; and Economic Development negotiations pursuant to Section 551.087 - Sea Green, Sunset Orange, Cherry Red, White Cloud, Red, Yellow, Wysteria, and Timberwolf. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.



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The City Council convened into executive session at 8:47 p.m.

17. Take action on items discussed in Executive Session.

Item No. 17 Cover Sheet

Council Member Selbera moved to reconvene into open session. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

The City Council reconvened into open session at 9:37 p.m. Mayor Webster announced that no action took place in Executive Session and no action would be taken now.

IX. ADJOURN

Council Member Tenorio moved to adjourn. Council Member Wilson seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 9:37 p.m.

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R. Todd Webster, Mayor

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Attest: Jennifer A. Vetrano, City Secretary