

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on May 15, 2018 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Shane Arabie
Council Member Dex Ellison
Council Member Tracy Scheel
Council Member Alex Villalobos
Council Member Daphne Tenorio
Scott Sellers, City Manager
James Earp, Assistant City Manager
Paige Saenz, City Attorney
Jerry Hendrix, Chief of Staff
Kim Hilsenbeck, Communications Specialist
Jennifer Vetrano, City Secretary
Leon Barba, City Engineer
Perwez Moheet, Finance Director
Danielle Harvey, IT Technician
Kerry Urbanowicz, PARD Director
Howard Koontz, Community Dev Director
Jeff Barnett, Chief of Police
Stephanie Robinson, Records Supervisor

Michael Scheiern
Ben White, KAYAC
Destinee Cabrera, KAYAC
Gabriel Barrientos, KAYAC
Andrew Vero, KAYAC
Melina Garza, KAYAC
Malachi Wilson, prospective KAYAC member
Emmanuel Zygmunt, KAYAC
Toby Hammond, KAYAC
Dominick Hernandez, KAYAC
Mia Cariaga, KAYAC
Mark Schultz, Fire Marshall

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 6:59 p.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Arabie, Council Member Ellison, Council Member Scheel, Council Member Villalobos, and Council Member Tenorio. A quorum was present. Council Member Fogley was absent.

Mayor Mitchell moved to excuse Council Member Fogley's absence due to a work conflict. Mayor Pro Tem Arabie seconded the motion. All votes aye; motion carried 6-0.

II. Approval of Minutes

1. City Council Meeting Minutes - May 1, 2018. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Villalobos moved to approve the minutes of the May 1, 2018 Council Meeting. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Tenorio requested a change to the minutes, stating that on item number five regarding the Train Depot Board appointments stated that Ms. Kate Johnson presented the item, but she was not in attendance.

All votes aye; motion carried 6-0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:01 p.m.

Michael Scheiern was called to speak as registered. He mentioned the third anniversary of the death of Jim Wright and his guest. He requested Council to request for a future meeting an update on this case from the Chief of Police. He also requested a policy for review of cases on their anniversaries. Mr. Scheiern suggested that the a designee of the police department contact the family around the anniversary of the crime either by phone or letter to express the efforts being made to solve this heinous crime.

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

IV. Presentation

2. KAYAC Capstone Project Presentation (results of a feasibility study for an all-inclusive play area geared toward children with special needs). ~ *Kim Hilsenbeck, Communications Specialist*

Mayor Mitchell brought forward Item No. 2 for discussion. Ms. Hilsenbeck introduced the item and gave the floor to Ben White, Chair, and Destinee Cabrera, Vice Chair who presented the item. No action was taken.

V. Appointments

3. Consider nomination and take possible action for appointment to the Parks and Recreation Board to fill vacancy. ~ *Kerry Urbanowicz, Director of Parks & Recreation*
 - Lana Nicholson

Mayor Mitchell brought forward Item No. 3 for discussion. Mr. Urbanowicz presented the item.

Mayor Pro Tem Arabie moved to appoint Lana Nicholson to the Parks and Recreation Board to fill vacancy. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Ellison commented about the applicants, that three of five replied to the invitation to interview, and asked when the applications were received. Mr. Urbanowicz replied back to October to the beginning of the process, and that they keep the applications on file for a year. One of the five responded that the interview email got lost in spam. Mr. Ellison then asked about the residential locations for representation of the person who left and the recommended appointee. Mr. Urbanowicz replied that Mr. Bordovsky lived in Steeplechase and Ms. Nicholson lives in South Lake Ranch. Mr. Ellison stated his encouragement to directors of all boards to continue looking at all applicants. Mr. Ellison stated that he was informed that a person had applied but did not receive any follow up. Mr. Urbanowicz stated that he would like to know who that was to look into what happened. Ms. Scheel thanked Ms. Nicholson for applying and her willingness to serve. She also thanked Laddie Bordovsky, with

whom she served beside on the Parks Board for two years. She recognized him for having served for so long, saying he always had the city's interests at the forefront, and was very generous.

All votes aye; motion carried 6-0.

4. Consider an appointment to the Train Depot Board to fill a vacancy. ~ *Jerry Hendrix, Chief of Staff*
 - James Herbert

Mayor Mitchell brought forward Item No. 4 for discussion. Mr. Hendrix presented the item. Mayor Pro Tem Arabie left the dais at 7:30 p.m.

Council Member Tenorio moved to appoint James Herbert to the Train Depot Board to fill a vacancy. Council Member Ellison seconded the motion. All votes aye; motion carried 5-0. Mayor Pro Tem Arabie was absent for the vote.

VI. Consent Agenda

Mayor Mitchell brought forward Item Nos. 5 and 6.

Council Member Scheel moved to approve Consent Agenda Item Nos. 5 and 6. Council Member Tenorio requested to pull Consent Agenda Item No. 5. Motion died for lack of second.

6. A Resolution of the City of Kyle, Texas Approving a Decrease in Rates due to the Change in Federal Corporate Income Tax of Texas Gas Service, a Division of One Gas, Inc.; Finding that the meeting complies with The Open Meetings Act; Declaring an effective date and requiring delivery of this resolution to the Company. ~ *Jerry Hendrix, Chief of Staff*

Council Member Scheel moved to approve Consent Agenda Item No. 6 Council Member Ellison seconded the motion.

There was discussion on the motion. Council Member Ellison asked for a quick explanation. Mr. Hendrix presented the item. Mayor Pro Tem Arabie returned to the dais and Council Member Villalobos left the dais at 7:32 p.m.

All votes aye; motion carried 5-0. Council Member Villalobos was absent for the vote.

5. A Resolution of the City Council of the City of Kyle, Texas, ("city") Approving Implementation of a new Federal Tax Change Credit Rider which will provide a credit to Aqua Texas customers pursuant to the Texas Water Code § 13.082; and determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; and declaring an effective date. ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item No. 5 for discussion. Ms. Saenz addressed the council with an option of presenting the item or addressing specific questions for questions. Council Member Villalobos returned to the dais at 7:33 p.m. Council Member Tenorio asked how many residents

are affected by this rate decrease. Ms. Saenz stated that four subdivisions, Meadow Woods, Arroyo Ranch, Dove Hollow Estates, and Quail Meadows are affected along with any other Aqua Texas customers in Kyle's ETJ.

Council Member Tenorio moved to approve a Resolution of the City Council of the City of Kyle, Texas, ("city") Approving Implementation of a new Federal Tax Change Credit Rider which will provide a credit to Aqua Texas customers pursuant to the Texas Water Code § 13.082; and determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; and declaring an effective date. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0.

VII. Consider and Possible Action

7. *(Second Reading)* An Ordinance amending Chapter 41 (Subdivisions) of the City of Kyle, Texas; amending paragraphs 140(b)(3)(c)&(i) and 140(c)(5) regulating flood prevention; providing for an effective date; and making such other findings and provisions related hereto. ~ *Shane Arabie, Mayor Pro Tem*
 - Public Hearing

Mayor Mitchell brought forward Item No. 7 for discussion. With no objections, Mayor Mitchell opened the public hearing at 7:35 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Mitchell closed the public hearing at 7:35 p.m.

Mayor Pro Tem Arabie moved to approve an Ordinance amending Chapter 41 (Subdivisions) of the City of Kyle, Texas; amending paragraphs 140(b)(3)(c)&(i) and 140(c)(5) regulating flood prevention; providing for an effective date; and making such other findings and provisions related hereto. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Tenorio stated that with the adoption of the FEMA maps, so many households will be hit with flood insurance requirements, and she would like to see some public outreach. Mr. Sellers stated that staff has looked at the impact on the City's residents. He said the change does not affect a large number of existing homes. The City is working to mitigate the new homes that are being built, for example, in Creekside, who has agreed to notify potential buyers. He stated there are segments near Bunton Village that will be affected by this change, and he agreed that it is prudent for the City to work on outreach and working with developers. Mayor Pro Tem Arabie asked whether this will affect only future development. Mr. Sellers stated that flood insurance goes off of current FEMA maps. Any home existing in the new FEMA hundred-year flood map would be required to have flood insurance. Mayor Mitchell stated that if anything, this is to help prevent new homes from being built right at the current hundred-year flood so that it will prevent future flooding issues.

All votes aye; motion carried 6-0.

8. *(Second Reading)* An Ordinance amending Chapter 32 ("Site Development") Article II ("Plan and Procedures") Sec. 19 "Definitions"; Sec. 45(2)(f) and 45(4) (b-f) "Content" requiring flood plain information to be included; providing for an effective date; and

making such other findings and provisions related hereto. ~ *Shane Arabie, Mayor Pro Tem*

- Public Hearing

Mayor Mitchell brought forward Item No. 8 for discussion. With no objections, Mayor Mitchell opened the public hearing at 7:44 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Mitchell closed the public hearing at 7:45 p.m.

Mayor Pro Tem Arabie moved to approve an Ordinance amending Chapter 32 (“Site Development”) Article II (“Plan and Procedures”) Sec. 19 “Definitions”; Sec. 45(2)(f) and 45(4)(b-f) “Content” requiring flood plain information to be included; providing for an effective date; and making such other findings and provisions related hereto. Council Member Ellison seconded the motion. All votes aye; motion carried 6-0.

9. *(First Reading)* An Ordinance of the City of Kyle, Texas, in accordance with Chapter 47, Article III Authorizing and Directing the Installation and Erection of No Parking Signs to Prohibit Parking on the north side of Wetzel (West FM 150 and Mather) in the City Limits of Kyle; fixing a penalty therefor; providing for severability; providing for repeal of conflicting ordinances; and ordaining other provisions related to the subject matter thereof. ~ *Kyle Taylor, Fire Chief*

Mayor Mitchell brought forward Item No. 9 for discussion. Fire Marshall Mark Schultz of Kyle Fire Department made himself available for questions and provided a presentation.

Council Member Scheel moved to approve an Ordinance of the City of Kyle, Texas, in accordance with Chapter 47, Article III Authorizing and Directing the Installation and Erection of No Parking Signs to Prohibit Parking on the north side of Wetzel (West FM 150 and Mather) in the City Limits of Kyle; fixing a penalty therefor; providing for severability; providing for repeal of conflicting ordinances; and ordaining other provisions related to the subject matter thereof. Mayor Pro Tem Arabie seconded the motion. All votes aye; motion carried 6-0.

10. *(First Reading)* An Ordinance of the City of Kyle, Texas, in accordance with Chapter 47, Article III Authorizing and Directing the Installation and Erection of No Parking Signs to Prohibit Parking on the park side of Kirby (1700-1900 blocks) and Hellman (5100-5200 blocks) in the City Limits of Kyle; fixing a penalty therefor; providing for severability; providing for repeal of conflicting ordinances; and ordaining other provisions related to the subject matter thereof. ~ *Kyle Taylor, Fire Chief*

Mayor Mitchell brought forward Item No. 10 for discussion. Mr. Schultz presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, in accordance with Chapter 47, Article III Authorizing and Directing the Installation and Erection of No Parking Signs to Prohibit Parking on the residential side of Kirby (1700-1900 blocks) and Hellman (5100-5200 blocks) in the City Limits of Kyle; fixing a penalty therefor; providing for severability; providing for repeal of conflicting ordinances; and ordaining other provisions related to the subject matter thereof. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

11. Consider and Possible Action related to potential amendments to Chapter 53 Article I, Section 53-5, Definitions; and the addition of Article IV, Division 1, Section 53-940, Accessory structures, of the City of Kyle, Code of Ordinances. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 7-0 to postpone this item until its May 22, 2018 Special Called Meeting. A Public Hearing was previously advertised for this Council Meeting; however, staff requests postponement until the regular City Council meeting scheduled for June 5, 2018. The Public Hearing will be held when Council takes up the item on June 5, 2018.

Mayor Mitchell brought forward Item No. 11. Mr. Koontz stated that the text amendment had been scheduled for and then postponed by the Planning and Zoning Commission. Before the Council can take it up for discussion, a recommendation must be made by the Planning and Zoning Commission. The item is listed on the agenda because a public hearing had been advertised prior to the Planning and Zoning Commission postponement.

Council Member Tenorio moved to postpone until June 5, 2018. Council Member Villalobos seconded the motion.

There was discussion on the motion. Mayor Mitchell invited anyone who may have come to speak on this item to return on June 5.

All votes aye; motion carried 6-0.

VIII. City Manager's Report

12. 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*
 - Animal Control Pet Fair & Dog Park Grand Opening
 - Kyle Public Library partnership with the Hays County Food Bank

Mr. Sellers announced the grand opening of the new dog park at Steeplechase for June 2, 2018 at 10:00 a.m. along with a pet fair with adoptions made available. He also spoke about the Library partnership with Hays County Food Bank in which they are accepting canned food donations in lieu of late fines.

IX. Executive Session

13. 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.
14. Take action on items discussed in Executive Session.

There was no executive session.

X. ADJOURN

Council Member Tenorio moved to adjourn. Council Member Scheel seconded the motion. Motion carried 5-1 with Mayor Mitchell dissenting.

With no further business to discuss, the City Council adjourned at 7:58 p.m.

Attest:

Travis Mitchell, Mayor

Jennifer A. Vetrano, City Secretary