

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on September 20, 2016 at Kyle City Hall with the following persons present:

Mayor Todd Webster	Dallas Lee
Mayor Pro Tem Damon Fogley	
Council Member Travis Mitchell	
Council Member Becky Selbera	
Council Member Shane Arabie	
Council Member Daphne Tenorio	
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	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Paul Phelan, Library Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain Harper Wilder, Director of Public Works	
Jason Biemer, Div. Mgr. – Treatment Operations	

I. Call Meeting To Order

Mayor Webster called the meeting to order at 7:02 p.m. Mayor Webster asked the secretary to call roll.

Present were Mayor Webster, Council Member Mitchell, Council Member Arabie, Council Member Fogley, and Council Member Tenorio. A quorum was present.

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

II. Approval of minutes

1. City Council Regular Meeting Minutes - September 6, 2016. ~ Jennifer Vetrano, City Secretary
Item No. 1 Attachments

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

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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 7:04 p.m.

Dallas Lee, a resident of Amberwood, spoke about phone calls he has received from family and friends out of state about things going on here in Kyle with regards to the recent shootings. He also spoke about domestic violence and mentioned Samantha Dean and his niece who passed away in 1991. Mr. Lee stated that the community needs to be involved to let people know that this will not be tolerated. He also read about a bill that was passed in New York recently called the Fallen Heros Flag Act. He said we did this here two and a half years ago, and we are way ahead of the game. He wants the community to come together to make things happen rather than playing catch up.

Council Member Selbera arrived.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:07 p.m.

VI. Consent Agenda

Mayor Webster asked if there were any items to be pulled from the Consent Agenda. Council Member Tenorio pulled Item No. 9. Mayor Webster pulled Item No. 6 which was requested to be pulled by staff. Council Member Arabie pulled Item No. 12. With no objections, Mayor Webster brought forward Item Nos. 5, 7, 8, 10, 11, 13, 14, and 15.

5. Approve Stepping Stone School XXI - Site Plan (SD-16-012) 1.3 acres; 1 commercial lot located at 1020 Lightfoot. ~ Howard J. Koontz, Director of Planning and Community Development
 - Planning and Zoning Commission voted 5-0 to recommend approval of the site plan.Item No. 5 Attachments
7. Accept a petition for voluntary annexation from Lennar Homes of Texas Land and Construction, Ltd. The property is 51.48 acres of land located southwest of the intersection of FM 2770 and FM 1626. ~ Howard J. Koontz, Director of Planning and Community Development
Item No. 7 Attachments
8. Approve a Resolution appointing the City's Planning & Zoning Commission to act as the Impact Fee Advisory Committee for the water and wastewater impact fee study and update. ~ J. Scott Sellers, City Manager
Item No. 8 Attachments

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10. A Resolution of the City Council of the City of Kyle, Texas accepting Creekside Village Section 1 & 2; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ Leon Barba, P.E., City Engineer
Item No. 10 Attachments
11. Consider and possible action to approve a Resolution of the City Council of the City of Kyle, Texas, authorizing the acceptance of a two year grant in the amount of \$99,899.20 from the Office of the Governor, Victims of Crime Act Grant for the purpose of funding the Kyle Police Department's Victims Services Coordinator full- time position for fiscal years 2016-2018; authorizing and providing matching funds in an amount not to exceed \$24,224.80 from the Kyle Police Department's approved budget for fiscal years 2016-2018; agreeing and assuring that in the event of loss or misuse of said grant funds, the city will return the total amount of funds to the Criminal Justice Division of the Office of the Governor; authorizing the City Manager to apply for, accept, reject, alter or terminate the grant on behalf of the City Council; finding and determining that the meeting at which this resolution is passed is open to the public as required by law; providing for an effective date; and making such other findings and provisions related hereto. ~ Jeff Barnett, Chief of Police
Item No. 11 Attachments
13. A Resolution of the City Council of the City of Kyle, Texas accepting Meadows At Kyle Phase Five Subdivision; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ Leon Barba, P.E., City Engineer
Item No. 13 Attachments
14. Consider Tank/Ground Lease Agreement with Guadalupe-Blanco River Authority (GBRA). ~ J. Scott Sellers, City Manager
Item No. 14 Attachments
15. Authorize award and execution of a Contract and Purchase Order to TYLER TECHNOLOGIES, INC., Lubbock, Texas, in an amount not to exceed \$344,134.00 for the EnerGov Software Module and Installation Services for the City's Building Inspection, Community Development, and Public Works departments. ~ Jerry Hendrix, Chief of Staff
Item No. 15 Attachments

Council Member Fogley moved to approve Consent Agenda Item Nos. 5, 7, 8, 10, 11, 13, 14, and 15. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

IV. Executive Session

2. 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

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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.
 - Attorney/Client communications regarding pending terms for the funding agreement with Kyle Area Chamber of Commerce
 - Attorney/Client communications regarding terms and conditions of Meet and Confer Contract
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
 - Annual performance evaluation of City Manager, Scott Sellers
4. Economic Development negotiations pursuant to Section 551.087.
 - Project Steel Blue

Item No. 2 Cover Sheet

Council Member Fogley 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 - Attorney/Client communications regarding pending terms for the funding agreement with Kyle Area Chamber of Commerce, and Attorney/Client communications regarding terms and conditions of Meet and Confer Contract; Personnel matters pursuant to Section 551.074 - Annual performance evaluation of City Manager, Scott Sellers; and Economic Development negotiations pursuant to Section 551.087 - Project Steel Blue. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

The City Council convened into Executive Session at 7:10 p.m.

3. Take action on items discussed in Executive Session.
Item No. 3 Cover Sheet

Council Member Fogley moved to reconvene into open session. Council Member Tenorio seconded the motion. All votes aye; motion carried 5-0. Council Member Arabie was not present.

City Council reconvened into Open Session at 8:57 p.m. Council Member Fogley announced that no action took place in Executive Session but action would be taken now. Council Member Arabie returned to the dais.

Council Member Fogley moved to authorize the City Manager to negotiate a contract with the Kyle Area Chamber of Commerce to negotiate a new contract per Council's direction. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

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Council Member Fogley moved to authorize City Manager to finalize negotiations with KPA to bring back a three-year Meet and Confer Agreement and if necessary call a special meeting before the contract expires on September 30, 2016. Council Member Tenorio seconded the motion.

There was discussion on the motion. Mayor Webster stated for clarity that the purpose of moving for a special meeting if necessary is so that Council can deal with it before the contract period is up on September 30th. If there is not an agreement, then the contract evergreens by agreement of both parties in writing.

All votes aye; motion carried 6-0.

No action was taken on the personnel matters pursuant to Section 551.074 - Annual performance evaluation of City Manager, Scott Sellers.

Mayor Webster brought forward Executive Session subitem 4 - Economic Development negotiations pursuant to Section 551.087 - Project Steel Blue. Mr. Sellers presented the Project Steel Blue (RSI, Inc.) item. Council discussion commenced.

Council Member Arabie called previous question. Mayor Webster called for a roll call vote. Mayor Webster voted aye; Council Member Wilson was absent; Council Member Arabie voted aye; Council Member Selbera voted aye; Council Member Mitchell voted nay; Mayor Pro Tem Fogley voted nay; and Council Member Tenorio voted nay. Motion failed 3-3, and debate continued.

Council Member Tenorio moved to not pass the Economic Development negotiation for RSI. The motion failed for lack of a second.

Council Member Fogley moved to approve the incentive agreement with RSI/Project Steel Blue. Council Member Selbera seconded the motion.

Mayor Webster called for a roll call vote. Council Member Tenorio voted nay, Mayor Pro Tem Fogley voted aye, Council Member Wilson was absent, Council Member Arabie voted aye, Mayor Webster voted aye, Council Member Mitchell voted aye, and Council Member Selbera voted aye. Motion carried 5-1 with Council Member Tenorio dissenting.

V. Presentation

4. Progress report on all five road bond projects including latest project cost estimates. ~
Leon Barba, P.E., City Engineer
Item No. 4 Cover Sheet

Mayor Webster left dais. Mayor Pro Tem Fogley brought forward Item No. 4 for discussion. Mr. Barba presented the item. Mayor Webster returned to the dais.

VII. Consider and Possible Action

6. Authorize award and execution of a Purchase Order to HUF COR, INC., Dallas, Texas, in an amount not to exceed \$25,000.00 for the replacement of the sliding wall divider in

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Kyle City Hall and related services. ~ Kerry Urbanowicz, Director of Parks, Recreation and Facilities

Item No. 6 Attachments

Mayor Webster brought forward Item No. 6, which he pulled from the Consent Agenda. Staff asked that this item be pulled due to an alternative plan.

Mayor Webster moved to table Item No. 6 - Authorize award and execution of a Purchase Order to HUF COR, INC., Dallas, Texas, in an amount not to exceed \$25,000.00 for the replacement of the sliding wall divider in Kyle City Hall and related services. Council Member Fogley seconded the motion. All votes aye; motion carried 6-0.

9. Authorize renewal of the lease contract with COWBOY HARLEY-DAVIDSON OF AUSTIN, TEXAS, for a total of three (3) FLHP Police Electra Glide Harley-Davidson motorcycles and to extend the lease period to expire September 30, 2017, at the lease rate of \$390.00 per month for each motorcycle for a total amount not to exceed \$14,040.00 for lease payments to be made during Fiscal Year 2016-17. ~ Jeff Barnett, Chief of Police
Item No. 9 Attachments

Mayor Webster brought forward this item for discussion. Council Member Selbera left the meeting. Chief Barnett presented the item.

Mayor Webster recognized Council Member Tenorio because she pulled the item. She asked whether we could lease the bikes on an as needed basis. Chief Barnett stated the fees to mount lights and equipment is about \$3,000 each time. It was a consensus of council for Chief Barnett to bring back purchase amounts. No action was taken.

12. Approve Contract Task Order No. 7 to NEPTUNE-WILKINSON ASSOCIATES, INC. Austin, Texas, in an amount not to exceed \$11,000.00 for the purpose of providing project management for the installation of SCADA equipment (provided by others) at City-owned facilities. ~ Harper Wilder, Director of Public Works
Item No. 12 Attachments

Mayor Webster brought forward Item No. 12. He recognized Council Member Arabie because he pulled the item. Council Member Arabie asked Mr. Wilder for an update on the project related to start and finish. Mr. Wilder stated that this item will expedite the project. No action was taken.

16. (First Reading) An ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 53 ("Zoning"), Article I ("In General"), Section 53-5 ("Definitions"); and Article II ("Zoning Districts and Regulations"), Section 53-33 (I) ("Impervious Coverage"); amending Chart 2 and Associated Notes. ~ Howard J. Koontz, Director of Planning and Community Development
 - Planning and Zoning Commission voted 5-0 to recommend amendment.
 - PUBLIC HEARINGItem No. 16 Attachments

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Mayor Webster brought forward Item No. 16 for discussion.

With no objections, Mayor Webster opened the public hearing at 10:08 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 10:08 p.m.

Mr. Koontz presented the item.

Mayor Webster moved to approve on First Reading an ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 53 ("Zoning"), Article I ("In General"), Section 53-5 ("Definitions"); and Article II ("Zoning Districts and Regulations"), Section 53-33 (I) ("Impervious Coverage") subject to the following amendments: Subsection L at the bottom of page 4, strike swimming and decorative pools (both surface area and surrounding decking) through decorative ponds be replaced with "roofing veneers, metal, swimming, and decorative pool surrounding decking," amending page 5 Exhibit A to correct the second reading of R-3-2 to read R-3-3, and within the Table strike 65 for all the R-3's (R-3-1, R-3-2, R-3-3) and replace with 80 as recommended by staff. Council Member Tenorio seconded the motion. All votes aye; motion carried 5-0.

17. (First Reading) An ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 53 ("Zoning"), Article V ("Landscaping and Screening Requirement"). ~ Howard J. Koontz, Director of Planning and Community Development
- Planning and Zoning Commission voted 5-0 to recommend amendment.
 - PUBLIC HEARING
- Item No. 17 Attachments

Mayor Webster brought forward Item No. 17 for discussion.

With no objections, Mayor Webster opened the public hearing at 10:40 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 10:40 p.m.

Mr. Koontz presented the item.

Council Member Tenorio moved to approve on First Reading an ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 53 ("Zoning"), Article V ("Landscaping and Screening Requirement"). Council Member Mitchell seconded the motion. All votes aye; motion carried 5-0.

18. Consider and possible action to approve an Agreement for Professional Services with TRAYLOR AND ASSOCIATES for grant application and administration. ~ J. Scott Sellers, City Manager
- Item No. 18 Attachments

Mayor Webster brought forward Item No. 18 for discussion. Mr. Sellers stated that Item No. 12 was neither tabled nor voted upon, but this item is time sensitive. Mayor Webster stated he'd like

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to proceed with Item 18 and will go back to Item 12. Mr. Sellers presented Item Nos. 18 - 21. Gary Traylor was called to speak. He stated that the agreement doesn't have a cost associated because those come in the form of work orders, which are listed under Item No. 21.

Council Member Tenorio moved to approve an Agreement for Professional Services with Traylor and Associates for grant application and administration. Council Member Fogley seconded the motion. All votes aye; motion carried 5-0.

19. Consider and possible action to approve a Resolution of the City Council of the City of Kyle, Texas, Approving an Application for Funding through the Texas Department of Agriculture, Texas Capital Fund in anticipation of Texas Capital Fund grant submission.
~ Gary Traylor, Traylor and Associates
Item No. 19 Attachments

Mayor Webster brought forward Item No. 19 for discussion. Mr. Traylor presented the item.

Council Member Tenorio moved to approve a Resolution of the City Council of the City of Kyle, Texas, Approving an Application for Funding through the Texas Department of Agriculture, Texas Capital Fund in anticipation of Texas Capital Fund grant submission. Council Member Arabie seconded the motion. All votes aye; motion carried 5-0.

20. Consider and possible action to approve a Resolution regarding requirements for participation in the Texas Community Development Block Grant (TxCDBG) Program in anticipation of Texas Capital Fund grant submission. ~ Gary Traylor, Traylor and Associates
Item No. 20 Attachments

Mayor Webster brought forward Item No. 20 for discussion.

Council Member Tenorio moved to approve a Resolution regarding requirements for participation in the Texas Community Development Block Grant (TxCDBG) Program in anticipation of Texas Capital Fund grant submission. Council Member Fogley seconded the motion. All votes aye; motion carried 5-0.

21. Consider and possible action to approve Traylor and Associates Work Order No. 1 for the preparation of Texas Capital Fund Grant Application, Work Order No. 2 for the coordination and production of an Environmental Assessment of Owner's project activities in accordance with 24 CFR Part 58, Subpart E of the HUD Environmental Regulations, and Work Order No. 3 for Grant Management Services for the Texas Capital Fund Grant. ~ J. Scott Sellers, City Manager
Item No. 21 Attachments

Mayor Webster brought forward Item No. 21 for discussion.

Council Member Tenorio moved to approve Traylor and Associates Work Order No. 1 for the preparation of Texas Capital Fund Grant Application with a correction for 4% to maximum of

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40,000, Work Order No. 2 for the coordination and production of an Environmental Assessment of Owner's project activities in accordance with 24 CFR Part 58, Subpart E of the HUD Environmental Regulations, and Work Order No. 3 for Grant Management Services for the Texas Capital Fund Grant. Council Member Fogley seconded the motion. All votes aye; motion carried 5-0.

12. Approve Contract Task Order No. 7 to NEPTUNE-WILKINSON ASSOCIATES, INC. Austin, Texas, in an amount not to exceed \$11,000.00 for the purpose of providing project management for the installation of SCADA equipment (provided by others) at City-owned facilities. ~ Harper Wilder, Director of Public Works

Mayor Webster brought Item No. 12 back for action.

Council Member Arabie moved to approve Item No. 12 Council Member Tenorio seconded the motion. All votes aye; motion carried 5-0.

22. Consider participation in Hays Caldwell Public Utility Agency's feasibility study for constructing a regional wastewater treatment plant in the amount of \$10,000.00. ~ J. Scott Sellers, City Manager
Item No. 22 Attachments

Mayor Webster brought forward Item No. 22 for discussion. Mr. Sellers introduced Graham Moore, Executive Director of the Hays Caldwell Public Utility Agency (HCPUA) who presented the item.

Council Member Fogley moved to approve participation in Hays Caldwell Public Utility Agency's feasibility study for constructing a regional wastewater treatment plant in the amount of \$10,000.00. Council Member Arabie seconded the motion. Motion carried 4-1 with Council Member Tenorio dissenting.

23. Consider and possible action to approve a Retail Water and Wastewater Services Agreement between City of Kyle and Mountain City 150, LP. ~ James R. Earp, Assistant City Manager
Item No. 23 Attachments

Mayor Webster brought forward Item No. 23 for discussion. Mr. Earp presented the item.

Council Member Arabie moved to approve a Retail Water and Wastewater Services Agreement between City of Kyle and Mountain City 150, LP. Council Member Fogley seconded the motion. All votes aye; motion carried 5-0.

24. (First Reading) An Ordinance of the City of Kyle, Texas, amending the City of Kyle, Tx Code of Ordinances; amending Article II. Water and Waste Water System Generally Section 50-29, to add an exception to recover construction costs of utility lines. ~ James R. Earp, Assistant City Manager
Item No. 24 Attachments

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Mayor Webster brought forward Item No. 24 for discussion. Mr. Earp presented the item.

Council Member Tenorio moved to approve on First Reading an Ordinance of the City of Kyle, Texas, amending the City of Kyle, Tx Code of Ordinances; amending Article II. Water and Waste Water System Generally Section 50-29, to add an exception to recover construction costs of utility lines. Council Member Arabie seconded the motion. All votes aye; motion carried 5-0.

VIII. City Manager's Report

25. 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

- Kyle Founder's Parade - October 15, 2016
- Reminder: Next Council meeting - October 18, 2016

Item No. 25 Cover Sheet

Mayor Webster announced Kyle Founders Parade set to take place on October 15, 2016 and that there will be no meeting on October 4th due to National Night Out and we will resume our regularly scheduled meeting on October 18, 2016. Mr. Sellers announced the Grand Opening of Kyle's Historic Train Depot, taking place this Sunday, September 25, 2016.

IX. ADJOURN

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

With no further business to discuss, the City Council adjourned at 11:26 p.m.

R. Todd Webster, Mayor

Attest: Jennifer A. Vetrano, City Secretary