

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on September 17, 2013, at 7:00 pm at Kyle City Hall, with the following persons present:

Mayor Lucy Johnson	Robert
Mayor Pro Tem Samantha LeMense	Cindy Zezulka
Council Member Diane Hervol	Adam Zezulka
Council Member Becky Selbera	Merlin Friesenhahn
Council Member Ray Bryant	
Council Member Chad Benninghoff	
Council Member David Wilson	
Lanny Lambert, City Manager	
James Earp, Asst. City Manager	
Perwez Moheet, Finance Director	
Jerry Hendrix, Director of Communications	
Sandra Duran, HR Director	
Diana Blank, Director of Economic Development	
Kerry Urbanowicz, Director Parks and Rec	
Connie Brooks, Library Director	
Sophia Nelson, Director of Planning	
Sally Kachoris, I T Tech	
Jeff Barnett, Police Chief	
Cody Faulk, City Attorney	

CALL MEETING TO ORDER

Mayor Johnson called the meeting to order at 7:02 P.M.

ROLL CALL

Mayor Johnson called for roll call. Present were Mayor Pro Tem LeMense, Council Member Hervol, Council Member Selbera, and Council Member Bryant, Council Member Benninghoff, and Council Member Wilson.

APPROVAL OF MINUTES

CITY COUNCIL SPECIAL CALLED MEETING - AUGUST 27, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL REGULAR MEETING - SEPTEMBER 3, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL SPECIAL CALLED MEETING - SEPTEMBER 4, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 2

Kyle City Hall

CITY COUNCIL SPECIAL CALLED MEETING - SEPTEMBER 10, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Council Member Hervol moved to approve the City Council Special Called Meeting minutes of August 27, 2013, the City Council Regular Meeting - September 3, 2013, the City Council Special Called Meeting of September 4, 2013, and the City Council Special Called Meeting - September 10, 2013. Council Member Bryant seconds the motion. All aye. Motion carried.

CITIZEN COMMENT PERIOD WITH CITY COUNCIL

Mayor Johnson opened the citizens comment period at 7:04 P.M. and called for comments on items not on the agenda or posted for public hearing. Robert (last name unintelligible) spoke on the proposed truck stop at Yarrington project and stated if he had know a project of this size and scope was being proposed for this area he would have thought long and hard before moving into the Blanco Vista subdivision. He stated he and his neighbors would like to see the project stopped or reduced in scope. With no one else wishing to speak Mayor Johnson closed Citizen's Comments at 7:05 P. M.

PRESENTATION

BRIEF CITY COUNCIL REGARDING THE STATUS OF THE TRAIN DEPOT RESTORATION PROJECT ~ *KATE JOHNSON, DEPOT BOARD CHAIRMAN*

Mrs. Johnson , the Depot Board Chairman, and Mr. George Wilcox with Clayton Little, provided Council with a report on the status of the Train Depot Restoration Project.

PROCLAMATIONS

PROCLAMATION OF THE CITY OF KYLE, TEXAS PROCLAIMING TUESDAY, OCTOBER 1ST, 2013 AS "NATIONAL NIGHT OUT" IN KYLE, TEXAS ~ LUCY JOHNSON, MAYOR

Mayor Johnson and Council Members present the National Night out Proclamation to Chief Barnett and Police Officers in attendance.

PROCLAMATION OF THE CITY OF KYLE, TEXAS PROCLAIMING THE MONTH OF OCTOBER 2013 AS "NATIONAL DOMESTIC AND TEEN DATING VIOLENCE AWARENESS MONTH" IN KYLE, TEXAS ~ LUCY JOHNSON, MAYOR

Mayor Johnson and Council Members present a Proclamation of the City of Kyle, Texas Proclaiming the month of October 2013 as "National Domestic and Teen Dating

Violence Awareness Month" in Kyle, Texas to representatives of the Hays County Women's shelter and the Victim Services Coordinator for the City of Kyle.

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 3

Kyle City Hall

APPOINTMENTS

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE ECONOMIC DEVELOPMENT & TOURISM COMMITTEE ~ *LUCY JOHNSON, MAYOR*

Council Member Hervol stated that the Economic Development & Tourism Committee recommended Matthew Gonzales for appointment to the Economic Development & Tourism Committee.

Mayor Johnson moved to appoint Matthew Gonzales to the ED & Tourism Committee. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE LIBRARY BOARD ~ *LUCY JOHNSON, MAYOR*

- Esperanza Orosco

Mayor Johnson moved to appoint Esperanza Orosco and re-appoint Anita Perez to the Kyle Library Board. Council Member Hervol seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE MOBILITY COMMITTEE ~ *LUCY JOHNSON, MAYOR*

- Gayle Meister (re-appointment)
- Brad Growt (re-appointment)
- Joe Bacon (re-appointment)
- John Atkins (re-appointment)

Mayor Johnson moved to re-appoint Gayle Meiste, Brad Growt, Joe Bacon, and John Atkins to the Mobility Committee. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE PARKS AND RECREATION COMMITTEE:

- Seat 1 - Stephanie Pool (re-appointment to full two year term)
- Seat 3 - Angie Cross (re-appointment to full two year term)
- Seat 5 - Mike Fulton (new appointment to full two year term)

- Seat 7 - Jason Barkdull (new appointment to full two year term)

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 4

Kyle City Hall

Mayor Johnson moved to appoint Mike Fulton and Jason Barkdull, and to re-appoint Stephanie Pool and Angie Cross to the Parks and Recreation Committee. Council Member Wilson seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE PLANNING AND ZONING COMMISSION ~ *LUCY JOHNSON, MAYOR*

- Mike Wilson
- Dan Ryan

Mayor Johnson moved to appoint Mike Wilson and re-appoint Dan Ryan to the Planning and Zoning Commission. Council Member Hervol seconds the motion. All aye. Motion carried.

PUBLIC HEARINGS

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF 2 TRACTS OF LAND CONSISTING OF APPROXIMATELY 1.2 ACRES OF LAND (OUT OF 3.5 ACRES), LOCATED IN HAYS COUNTY, TEXAS; WHICH IS GENERALLY LOCATED EAST OF SCOTT STREET, WEST OF SLEDGE, AND NORTH OF PARK PLACE AND CONTIGUOUS TO THE CITY LIMITS; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:27 P. M to hear comments regarding the unilateral annexation of 2 tracts of land consisting of approximately 1.2 acres of land (out of 3.5 acres), located in Hays County, Texas; located east of Scott Street, West of Sledge and North of Park Place and contiguous to the city limits. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:27 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 1.5 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, WEST OF DACY LANE, AND SOUTH WEST OF SUNFLOWER CIRCLE AND CONTIGUOUS TO THE CITY LIMITS ON FOUR SIDES ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 5

Kyle City Hall

Mayor Johnson opened the Public Hearing at 7:29 P. M to hear comments regarding the unilateral annexation of approximately 1.5 acres of land located in Hays County, Texas; generally located North of Bebee Road, west of Dacy Lane, and south West of Sunflower Circle and contiguous to the city limits on four sides. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:29 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 10 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND FRONTS ON CR 202; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:30 P. M to hear comments regarding the unilateral annexation of approximately 10 acres of land located in Hays County, Texas; generally located North of E. RR 150, East of CR 152, (also known as Heidenreich Lane), West of State Highway 21, and fronts on CR 202; As shown in the attached exhibit; Making findings of fact; Providing a severability clause; Providing and effective date; and providing for open meeting and other related matters. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:31 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 12.254 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. RR 150 AND STATE HIGHWAY 21; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:31 P. M to hear comments regarding the unilateral annexation of approximately 12.254 acres of land located in Hays County, Texas; generally located at the Southwest Corner of E. RR 150 and State Highway 21. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:31 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 18.62 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT

THE NORTHWEST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); ~ Sofia Nelson, Director of Planning

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 6

Kyle City Hall

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:32 P. M to hear comments regarding the unilateral annexation of approximately 18.62 acres of land located in Hays County, Texas; generally located at the Northwest Corner of 150 and CR 152, (also known as Heidenreich Lane). With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:32 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 2166.442 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED WEST OF N. OLD STAGECOACH ROAD, NORTH OF CYPRESS ROAD, AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS;

~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:33 P. M to hear comments regarding the unilateral annexation of approximately 2166.442 acres of land located in Hays County, Texas; generally located West of N. Old Stagecoach Road, North of Cypress Road, and adjacent and contiguous to the city limits. Hal Croft, Deputy Commissioner of Asset Management of the Texas General Land Office and stated that this property was owned by the State of Texas and working on a development and that the annexation would have a negative impact on that plan. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 7:37 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF 9 TRACTS OF LAND CONSISTING OF APPROXIMATELY 31.8 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED ALONG ANTON DRIVE AND BOTH NORTH AND SOUTH OF BEBEE ROAD, WEST OF SUNRISE DRIVE, AND EAST OF KENSINGTON BLVD. AND CONTIGUOUS TO THE CITY LIMITS; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:41 P. M to hear comments regarding the unilateral annexation of 9 Tracts of land consisting of approximately 31.8 acres of land, located in Hays County, Texas; generally located along Anton Drive and both North and

CITY COUNCIL REGULAR MEETING
September 17, 2013 – Page 7
Kyle City Hall

South of North of Bebee Road, West of Sunrise Drive, and East of Kensington Blvd. and contiguous to the city limits. Cindy Zazulka spoke and stated that her home was the only home on Anton Dr. and that she would rather give her 1/2 cent on sales tax for services already provided, and that it would be a hardship with higher taxes and asked not to be annexed. Alan Zezulka spoke and stated that last week there was someone speaking about taking care of the city sidewalks and sewer problems in the City of Kyle and that money might be well spent fixing what is in the city and not annexations. Merlin Friesenhahn business owner of property on Beebe Road spoke and stated that he offered affordable services and employed local residents. He stated annexing would be a tax burden and he would have to increase prices and asked if Council would do a feasibility study and after the study hold public hearings. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 7:49 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 32.3 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF WINDY HILL ROAD, WEST OF PARK SOUTH DRIVE AND CONTIGUOUS TO THE CITY LIMITS ON TWO SIDES; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:49 P. M to hear comments regarding the unilateral annexation of approximately 32.3 acres of land located in Hays County, Texas; generally located at the South of Windy Hill Road, West of Park South Drive , and contiguous to the city limits on two sides. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:49 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 35 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF WINDY HILL ROAD, WEST OF DACY LANE AND CONTIGUOUS TO THE CITY LIMITS. ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:50 P. M to hear comments regarding the unilateral annexation of approximately 35 acres of land located in Hays County, Texas; generally located at the North of Windy Hill Road, West of Dacy Lane , and contiguous to the city limits. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:50 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 375 ACRES OF LAND (OUT OF THE APPROXIMATELY 696 ACRE TRACT), LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE);
~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:51 P. M to hear comments regarding the unilateral annexation of approximately 375 acres of land (out of the approximately 696 acre tract) located in Hays County, Texas; generally located at the Northeast corner of E RR 150 and CR 152 (also know as Heidenreich Lane). Adam Moore spoke stating he was with Walton and that he wanted to inform the Mayor and Council that they were currently working with city staff on a voluntary annexation and submitting it to staff by the October deadline. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 7:52 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 45.716 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF HEINDENRICH LANE AND WEST OF STATE HIGHWAY 21;
~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:52 P. M to hear comments regarding the unilateral annexation of approximately 45.716 acres of land located in Hays County, Texas; generally located at North of E RR 150, East Heidenreich Lane and West of State Highway 21. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:52 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF 19 TRACTS OF LAND CONSISTING OF APPROXIMATELY 70 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF GOFORTH RD/BEBEE RD AND BOTH EAST AND WEST SIDES OF GOFORTH AND CONTIGUOUS TO THE CITY LIMITS; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 9

Kyle City Hall

Mayor Johnson opened the Public Hearing at 7:53 P. M to hear comments regarding the unilateral annexation of 19 tracts of land consisting of approximately 70 acres of land, located in Hays County, Texas; generally located South of Goforth Rd/Beebe Rd and both East and West sides of Goforth and contiguous to the city limits. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:53 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 98.930 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND ADJACENT TO CR 202; ~ *Sofia Nelson, Director of Plannin*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:54 P. M to hear comments regarding the unilateral annexation of approximately 98.930 acres of land located in Hays County, Texas; generally located at North of E RR 150, East of CR 152 (also know as Heidenreich Lane) and West of State Highway21. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:54 P.M

CONSENT AGENDA

AUTHORIZE AMENDMENT NUMBER 3 TO THE 12-MONTH LEASE AGREEMENT WITH COWBOY HARLEY-DAVIDSON OF AUSTIN, TEXAS, TO RENEW FOR ANOTHER 12-MONTH TERM FROM OCTOBER 1, 2013 TO SEPTEMBER 30, 2014 IN AN AMOUNT NOT TO EXCEED \$1,170.00 PER MONTH OR \$14,040.00 FOR TOTAL LEASE PAYMENTS DUE IN FY 2013-14 FOR THREE (3) FLHP ROAD KING HARLEY-DAVIDSON POLICE MOTORCYCLES FOR THE POLICE DEPARTMENT. ~ JEFF BARNETT, CHIEF OF POLICE

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO WORKPLACE RESOURCE, AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$2,288.52 TO ACQUIRE THREE (3) CHAIRS FOR THE KYLE POLICE DEPARTMENT. ~ JEFF BARNETT, CHIEF OF POLICE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$76,213 FROM THE OFFICE OF THE GOVERNOR, DJ-EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, TO FUND THE CITY OF KYLE, FULL-TIME MENTAL HEALTH OFFICER POSITION FOR FY2014,

ENDING SEPTEMBER 30, 2014 ~ JOSHUA MORENO, GRANTS ADMINISTRATOR

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 10

Kyle City Hall

(SECOND READING) CONSIDER APPROVING AN ORDINANCE TO AMEND THE CITY'S APPROVED BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2013 BY INCREASING TOTAL APPROPRIATIONS IN THE GENERAL FUND BY \$12,500.00 FOR SURVEY OF VARIOUS PARCELS BEING CONSIDERED IN THE 2013 ANNEXATION PLAN. ~ PERWEZ A. MOHEET, CPA, DIRECTOR OF FINANCE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING OVERLOOK AT PLUM CREEK SUBDIVISION IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING WHICH THIS RESOLUTION IS PASSED WAS NOTICES AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ JAMES EARP, ASSISTANT CITY MANAGER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING WATERLEAF PHASE B SECTION 5 SUBDIVISION IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ JAMES EARP, ASSISTANT CITY MANAGER

Council Member Hervol moved to approve Consent Agenda Item # **26** ~ Authorize amendment number 3 to the 12-month lease agreement with COWBOY HARLEY-DAVIDSON OF AUSTIN, TEXAS, to renew for another 12-month term from October 1, 2013 to September 30, 2014 in an amount not to exceed \$1,170.00 per month or \$14,040.00 for total lease payments due in FY 2013-14 for three (3) FLHP Road King Harley-Davidson police motorcycles for the Police Department; **Item # 27** ~ Authorize award and execution of a Purchase Order to WORKPLACE RESOURCE, Austin, Texas, in an amount not to exceed \$2,288.52 to acquire three (3) chairs for the Kyle Police Department; **Item # 28** ~ A Resolution of the City Council of the City of Kyle, Texas, authorizing the acceptance of a grant award in the amount of \$76,213. from the office of the Governor, DJ-Edward Byrne Memorial Justice Assistance Grant Program, to fund the City of Kyle full time Mental Health Officer position for FY2014, ending September 30, 2014; **Item #29** ~ (*Second Reading*) Consider approving an Ordinance to amend the City's approved Budget for Fiscal Year ending September 30, 2013 by increasing total appropriations in the General Fund by \$12,500.00 for survey of various parcels being considered in the 2013 annexation plan; **Item #30** ~ A Resolution of the City Council of the City of Kyle, Texas, accepting Overlook at Plum Creek Subdivision improvements; finding and determining that the meeting which this Resolution is passed was noticed and is open to the public as required by law; **Item #31** ~ A Resolution of the City Council of the City of Kyle, Texas, accepting Waterleaf Phase B Section 5 Subdivision

improvements ; finding and determining that the meeting which this Resolution is passed was noticed and is open to the public as required by law. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 11

Kyle City Hall

CONSIDER AND POSSIBLE ACTION

RECONSIDERATION AND POSSIBLE ACTION AS MAY BE REQUIRED IN REGARDS TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE AND THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #5 (DBA KYLE FIRE) FOR THE ALLOCATION OF SALES TAX REVENUE, RENT, AND OTHER FINANCIAL CONSIDERATIONS ~ *DIANE HERVOL, COUNCIL MEMBER DISTRICT 1*

Mayor Johnson asked representatives of the ESD#5 to come forward and help Council decide on a date for a workshop for an Interlocal Agreement between the City of Kyle and the Hays County Emergency Services District #5 (dba Kyle Fire) for the Allocation of Sales Tax Revenue, Rent, and other Financial Considerations. October 3rd was decided for the workshop.

A RESOLUTION OF THE CITY OF KYLE, TEXAS, RESPONDING TO THE REQUEST BY MONARCH UTILITIES I, L.P. TO INCREASE WATER RATES ON A SYSTEMWIDE BASIS BY 14.4 PERCENT; AUTHORIZING THE SUSPENSION OF RATES FOR NINETY DAYS FROM THE EFFECTIVE DATE; AUTHORIZING THE PARTICIPATION WITH A COALITION OF CITIES; AUTHORIZING THE HIRING OF SPECIAL COUNSEL; DIRECTING SPECIAL COUNSEL TO SEEK PROMPT REIMBURSEMENT OF RATE CASE EXPENSES FROM MONARCH; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE. ~ *Jerry Hendrix, Director of Community Development*

Council Member Hervol moved to approve a Resolution of the City of Kyle, Texas, responding to the request by Monarch Utilities I, L.P. to increase water rates on a system wide basis by 14.4 percent; Authorizing the suspension of rates for ninety days from the effective date; Authorizing the participation with a Coalition of Cities; authorizing the hiring of Special Counsel; Directing Special Counsel to seek prompt reimbursement of rate case expenses from Monarch; Determining that the meeting at which this Resolution was adopted complied with the Texas Open Meetings Act; Making such other findings and Provisions related to the subject and Declaring an effective date. Mayor Pro Tem LeMense seconds the motion. All Aye. Motion carried.

CITY COUNCIL REGULAR MEETING
September 17, 2013 – Page 12
Kyle City Hall

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING REQUEST FOR QUALIFICATION FOR PROFESSIONAL SERVICES FOR AN ACCESSIBILITY AUDIT OF CERTAIN FACILITIES AND PROPERTIES FOR THE CITY OF KYLE AS FURTHER DESCRIBED IN ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~*Kerry Urbanowicz - C.P.S.M. Director of Parks, Recreation & Facilities*

Council Member Hervol moved to direct staff to being the RFQ process and Approve A Resolution of the City of Kyle, Texas, Authorizing Request For Qualification for Professional Services for an Accessibility Audit of certain facilities and properties for the City of Kyle. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

AUTHORIZE THE EXECUTION OF AMENDMENT NUMBER 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RPS ESPEY CONSUTANTS, INC., IN AN AMOUNT NOT TO EXCEED \$273,257.00 INCREASING THE TOTAL CONTRACT AMOUNT FROM \$374,419.00 TO \$647,676.00 FOR DESIGN SERVICES ASSOCIATED WITH THE ELLIOTT BRANCH WASTEWATER INTERCEPTOR SEGMENT OF THE SOUTHSIDE WASTEWATER IMPROVEMENTS PROJECT. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Hervol moved to approve and Authorize the execution of Amendment Number 2 to the professional services agreement with RPS ESPEY CONSUTANTS, INC., in an amount not to exceed \$273,257.00 increasing the total contract amount from \$374,419.00 to \$647,676.00 for design services associated with the Elliott Branch Wastewater Interceptor segment of the Southside Wastewater Improvements project. Council Member Selbera seconds the motion. All aye. Motion carried.

RECONSIDER APPROVAL OF ROUNDABOUT RECOMMENDATION TO TXDOT REGARDING INTERSECTION OF FM 1626 AND KOHLER'S CROSSING ~ *SAMANTHA LEMENSE, MAYOR PRO TEM; DIANE HERVOL, COUNCIL MEMBER DISTRICT 1; RAY BRYANT, COUNCIL MEMBER DISTRICT 6*

Council Member Hervol move to table Reconsideration Approval of Roundabout recommendation to TXDOT regarding Intersection of FM 1626 and Kohler's Crossing until results of the warrant study are completed in November. Council Member Benninghoff seconds the motion. All aye. Motion carried.

Mayor Pro Tem LeMense leaves the meeting at 8:43 P.M. due to illness.

CONSIDERATION AND POSSIBLE ACTION ON THE FUTURE CARTS PROGRAM IN KYLE ~ *LANNY LAMBERT, CITY MANAGER*

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 13

Kyle City Hall

Mayor Johnson moved to authorize a letter be sent to Capital Metro requesting the 5307 Funds to continue service with CARTS on a monthly basis. Council Member Wilson seconds the motion. Mayor Johnson asked for a roll call vote. Council Member Hervol votes aye, Council Member Selbera votes aye, Mayor Johnson votes aye, Council Member Bryant votes nay, Council Member Benninghoff votes nay, Council Member Wilson votes aye. Motion carried 4-2.

Mayor Johnson opens the next 2 agenda items:

FILL VACANCY ON HAYS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE REMAINING 2013 TERM OF OFFICE ~ *LANNY LAMBERT, CITY MANAGER*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, NOMINATING A CANDIDATE FOR THE BOARD OF DIRECTORS OF THE HAYS CENTRAL APPRAISAL DISTRICT; AND DECLARING AN EFFECTIVE DATE ~ *Lanny Lambert, City Manager*

Council Member Hervol moves to approve a Resolution of the City Council of the City of Kyle, Texas, nominating Abel Tenorio as candidate for the Board of Directors for the Hays Central Appraisal District; and declaring an effective date. Council member Selbera seconds the motion. All aye. Motion carried.

FILL VACANCY ON HAYS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE REMAINING 2013 TERM OF OFFICE ~ *LANNY LAMBERT, CITY MANAGER*

Council Member Benninghoff moves to nominate Mike Fulton to fill vacancy on Hays Central Appraisal District Board of Directors for the remaining 2013 term of office. Council member Selbera seconds the motion. All aye. Motion carried.

AUTHORIZE THE EXECUTION OF MEMO OF UNDERSTANDING FOR MAGISTRATE SERVICES BY THE CITY OF KYLE FOR THE HAYS COUNTY JAIL ~ *LANNY LAMBERT, CITY MANAGER*

Council Member Benninghoff moved to table Memo of Understanding for Magistrate Services by the City of Kyle for the Hays County Jail until city staff finds out whether Buda Municipal Judges are performing their duties, whether there is a JP performing their duties in the County and clarification from Hays County about time commitment of how many times our Judges perform their duties. Council Member Hervol seconds the motion. All aye. Motion carried.

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 14

Kyle City Hall

(First Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ADOPTING A NAMING POLICY FOR PUBLIC PLACES; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ *Lanny Lambert, City Manager*

Council Member Wilson move to approve (First Reading) An Ordinance of the City of Kyle, Texas, adopting a Naming Policy for Public Places. Council Member Bryant seconds the motion. All aye. Motion carried.

CITY MANAGERS REPORT

UPDATE ON VARIOUS CAPITAL IMPROVEMENT PROJECTS, ROAD PROJECTS, BUILDING PROGRAM, AND/OR GENERAL OPERATIONAL ACTIVITIES ~ *LANNY LAMBERT, CITY MANAGER*

1. Discuss City Council Retreat document
2. Discuss status of Southside Wastewater Improvements Easement Acquisitions
3. Discuss Plum Creek PID - Kyle City Council Workshop
4. Discuss LED Sign Ordinance
5. Discuss Lone Star Rail/Public Transit
6. Meet with ESD #5

City Manager Lanny Lambert talked about a Citizen is the Boss Campaign that he had told the employees about back in May with a \$1000. prize for the best customer service recognized by citizens, and that the Police Department had won due to actions by four of the Officers to try to help a child with a terminal illness.

Lanny Lambert stated that before them were documents from the Council retreat and he would like for Council to provide goals for 2014 -2015 after going over with the Mayor.

He also informed Council that he had many questions on the Southside Wastewater project and why it was taking so long, and that this was due to the time obtaining the easements.

Council discussed and decided to schedule workshops on October 3rd for the ESD 5 at 7:00 P.M. and LED Sign Ordinance at 8:15 P.M., and October 22nd for a workshop for the Lone Star Rail/Public Transit at 7:00 P. M. and Plum Creek PID at 8:15 P.M.

EXECUTIVE SESSION

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEX. GOV'T CODE AND SECTION 1.05, TEX. DISCIPLINARY RULES OF PROFESSIONAL CONDUCT TO CONSULT WITH LEGAL COUNSEL

REGARDING LEGAL ISSUES RELATED TO THE MEET AND CONFER AGREEMENT, NEGOTIATIONS AND PROCESS

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 15

Kyle City Hall

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEX. GOV'T CODE, CONSULTATION WITH CITY ATTORNEY REGARDING THE EMERGENCY MEDICAL SERVICES CONTRACT

CONVENE INTO EXECUTIVE SESSION PURSUANT TO TEX. GOV'T. CODE, § 551.074 TO DISCUSS THE RENEWAL OF THE CITY MANAGER CONTRACT

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEX. GOV'T CODE, CONSULTATION WITH CITY ATTORNEY AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY.

Mayor Johnson moved to Convene into Executive Session at 9:39 P.M. pursuant to Section 551.071, Tex. Gov't Code and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding legal issues related to the Meet and Confer Agreement, negotiations and process; Convene into Executive Session pursuant to Section 551.071, Tex. Gov't Code, Consultation with City Attorney regarding the Emergency Medical Services contract; Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.074 to discuss the renewal of the City Manager contract; Convene into Executive Session pursuant to Section 551.072, Tex. Gov't Code, Consultation with City Attorney and deliberation regarding the purchase, exchange, lease, or value of real property

Council Member Hervol seconds the motion. All aye. Motion carried.

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE IN THE CITY COUNCIL'S DISCRETION REGARDING THE MEET AND CONFER AGREEMENT, NEGOTIATIONS AND PROCESS

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE IN THE CITY COUNCIL'S DISCRETION REGARDING THE EMERGENCY MEDICAL SERVICES CONTRACT

RECONVENE INTO PUBLIC SESSION AND TAKE ACTION AS APPROPRIATE REGARDING THE RENEWAL OF THE CITY MANAGER CONTRACT

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE IN THE CITY COUNCIL'S DISCRETION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 16

Kyle City Hall

Mayor Johnson moved to Reconvene into Open Session at 10:51 P.M. to take action as deemed appropriate in the City Council's discretion regarding the Meet and Confer Agreement, negotiations and process; Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding the Emergency Medical Services contract; Reconvene into Public Session and take action as appropriate regarding the renewal of the City Manager contract; Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding the purchase, exchange, lease, or value of real property.

Council Member Hervol seconds the motion. All aye. Motion carried.

Mayor Johnson stated that no action was taken during Executive Session, but action would be taken now under item #42.

CONSIDERATION AND POSSIBLE ACTION AS MAY BE APPROPRIATE IN REGARDS TO RATIFYING THE CITY OF KYLE AND KYLE POLICE ASSOCIATION MEET AND CONFER AGREEMENT AND DIRECTING THE CITY MANAGER TO EXECUTE SAID AGREEMENT. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Mayor Johnson moved to approve ratifying the City of Kyle and Kyle Police Association Meet and Confer Agreement and directing the City Manager to execute said agreement. Council Member Hervol seconds the motion. Motion carried 5-1 with Council Member Benninghoff voting nay.

ADJOURN

With no further business to discuss Council Member Hervol moved to adjourn. Council Member Selbera seconds the motion. All votes aye. Motion carried.

The City Council meeting adjourned at 10:53 P M.

Lucy Johnson, Mayor

Amelia Sanchez, City Secretary