

## REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on December 3, 2013, at 7:00 pm at Kyle City Hall, with the following persons present:

Mayor Lucy Johnson  
Mayor Pro Tem Samantha LeMense  
Council Member Diane Hervol  
Council Member Becky Selbera  
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  
Sophia Nelson, Director of Planning  
Harper Wilder, Public Works Director  
Mark Shellard, IT Director  
Leon Barba, City Engineer  
Jeff Barnett, Police Chief  
Cody Faulk, City Attorney

John Atkins  
Paula Alvarez  
Dallas Lee

### 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 Johnson, Mayor Pro Tem LeMense, Council Member Hervol, Council Member Selbera, Council Member Bryant, Council Member Benninghoff and Council Member Wilson.

### APPROVAL OF MINUTES

CITY COUNCIL SPECIAL CALLED MEETING - NOVEMBER 7, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL REGULAR MEETING - NOVEMBER 19, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL SPECIAL CALLED MEETING - NOVEMBER 20, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL SPECIAL CALLED MEETING - NOVEMBER 21, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

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Council Member Hervol moved to approve the November 7, 2013 Special Called City Council Meeting Minutes, the November 19, 2013 City Council Regular Meeting Minutes, the November 20, 2013 Special Called City Council Meeting Minutes and the November 21, 2013 Special Called City Council Meeting Minutes. Mayor Pro Tem LeMense 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. John Atkins spoke and referred to Section 4 of the City Charter that states the City is an equal opportunity employer and that remarks made by Council Member Wilson recently concerning the Municipal Judge position were racist, and comments like this should not be made by any member of the Council. He stated that Council Member Wilson should excuse himself from the interviews for Municipal Judge and asked that they follow the Charter on equal opportunity. Paula Alvarez spoke and stated she support item # 7 concerning the LAN Infrastructure Evaluation and Analysis report dealing with the downtown area. She stated she felt it was time to make the infrastructure improvements in the old downtown area. Dallas Lee thanked the Council and everyone in attendance at the "Heroes behind the Badge" performance at the PAC on November 9. With no one else wishing to speak Mayor Johnson closed Citizen's Comments at 7:17 P.M.

## PRESENTATION

### PRESENTATION OF EMPLOYEE OF THE MONTH FOR THE MONTH OF NOVEMBER ~ *LANNY LAMBERT, CITY MANAGER*

- Bret Lantz, Meter Technician, Utility Billing

Lanny Lambert presented the Employee of the Month for the month of November to Bret Lantz.

### HEROES BEHIND THE BADGE SCREENING PRESENTATION RECOGNITION ~ *MAYOR LUCY JOHNSON, ~ JEFF BARNETT, CHIEF OF POLICE*

Mayor Johnson, Council and Chief Barnett recognized the group who helped bring the Police documentary "Heroes behind the Badge" to the Performing Arts Center.

### RECOGNITION OF THE 4TH GRADUATING CLASS OF THE KYLE CITIZEN'S POLICE ACADEMY ~ *JEFF BARNETT, CHIEF OF POLICE*

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Chief Barnett and Officer James Plant introduced the 4th Graduating Class of the Kyle Citizen's Police Academy.

- *Geraldine Swazey*
- *Wendy Bates*
- *Adrian Alonzo*
- *William Musser*
- *Edward Ortman*
- *Josette Fulton*
- *Mark Thrift*
- *Mario Treybig*
- *Joseph Olson*
- *Viviana Olson*
- *Michael Olfers*
- *Lynn Cohee*
- *Debra Britt*
- *Robert Crandall*
- *Rachel Plant*
- *Laura Herring*

RECOGNITION OF THE KYLE CITIZEN'S POLICE ACADEMY ALUMNI ASSOCIATION EXECUTIVE BOARD AND MEMBERS ~ *JEFF BARNETT, CHIEF OF POLICE*

Chief Barnett introduced the Kyle Citizen's Police Academy Alumni Association Executive Board and Members.

CONSENT AGENDA

CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH DEAN ACTUARIES, LLC., OF DALLAS, TEXAS, FOR \$5,800.00 TO PROVIDE INDEPENDENT ACTUARIAL VALUATION SERVICES FOR THE CITY OF KYLE'S POST-EMPLOYMENT BENEFITS (OPEB) PLAN THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 2013. ~ *PERWEZA. MOHEET, CPA, DIRECTOR OF FINANCE*

*(Second Reading)* AN ORDINANCE TO AMEND THE CITY'S APPROVED BUDGET FOR FISCAL YEAR 2013-14 BY INCREASING TOTAL APPROPRIATIONS IN THE CITY'S GENERAL FUND FOR THE COMMUNICATIONS & COMMUNITY DEVELOPMENT DEPARTMENT BY \$10,000.00 AND DECREASING THE FUND BALANCE IN THE GENERAL FUND BY THE SAME AMOUNT TO PAY FOR THE

RETAINER AGREEMENT WITH HERRERA & BOYLE, PLLC, TO REPRESENT THE CITY OF KYLE IN CONNECTION WITH THE PENDING MONARCH UTILITIES' 2013 APPLICATION TO CHANGE RATES/TARIFFS. ~ *Perwez A. Moheet, CPA, Director of Finance*

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*(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ESTABLISHING DISCOVERY PROCEDURES FOR CONTESTED CASES INVOLVING PUBLIC UTILITIES; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; CONTAINING A SAVING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLIC NOTICE PURSUANT TO THE TEXAS OPEN MEETINGS ACT. ~ *Jerry Hendrix, Director of Community Development*

CONSIDER RATIFICATION OF EMERGENCY PURCHASE DUE TO FAILURE OF CITY'S TELEPHONE SYSTEM HARDWARE AND AUTHORIZE ISSUANCE OF PURCHASE ORDERS TO TELEPHONE CONNECTION OF AUSTIN, TEXAS, IN THE AMOUNT OF 4,710.50 AND ALCON DATA-TEL SOLUTIONS OF AUSTIN, TEXAS IN THE AMOUNT OF \$454.00 FOR LABOR, EQUIPMENT, AND MATERIALS. ~ *MARK SHELLARD, DIRECTOR OF INFORMATION TECHNOLOGY*

*(Second Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 4.426 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'W' WAREHOUSE DISTRICT, ON PROPERTY LOCATED AT 1108 PORTER STREET, IN HAYS COUNTY, TEXAS (DALE & LANETTE LOWDEN Z-13-016); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

*(Second Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 2.378 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'W' WAREHOUSE DISTRICT, ON PROPERTY LOCATED AT 1108-C PORTER STREET, IN HAYS COUNTY, TEXAS (BLAKE & RAMONA BROWN Z-13-017); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED

WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

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PLUM CREEK PHASE 1 SECTION 6E-3 - PRELIMINARY (PP-13-006)  
4.689 ACRES; 28 LOTS LOCATED IMMEDIATELY NORTH OF THE  
INTERSECTION OF FAIRWAY AND SANDERS; OWNER: PLUM CREEK  
DEVELOPMENT PARTNERS, LTD.; AGENT: SCOTT BAUER, BIGELOW  
DEVELOPMENT, LLC. ~ SOFIA NELSON, DIRECTOR OF PLANNING

*Planning and Zoning Commission voted 7-0 to approve the preliminary plan.*

PLUM CREEK PHASE 1 SECTION 6E-3 - FINAL PLAT (FP-13-013)  
4.689 ACRES; 28 LOTS; LOCATED IMMEDIATELY NORTH OF THE  
INTERSECTION OF FAIRWAY AND SANDERS; OWNER: PLUM CREEK  
DEVELOPMENT PARTNERS, LTD.; AGENT: SCOTT BAUER, BIGELOW  
DEVELOPMENT, LLC. ~ SOFIA NELSON, DIRECTOR OF PLANNING

*Planning and Zoning Commission voted 7-0 to approve the final plat*

PLUM CREEK PHASE 1 SECTION 6E 2-1 - PRELIMINARY PLAN (PP-13-004)  
11.256 ACRES; 62 LOTS; LOCATED BETWEEN EXTENSION OF KIRBY AND  
EXTENSION OF SANDERS, ADJACENT TO THE GOLF COURSE; OWNER: PLUM  
CREEK DEVELOPMENT PARTNERS, LTD.; AGENT: ALAN RHAMES, P.E.,  
AXIOM ENGINEERS, INC. ~ SOFIA NELSON, DIRECTOR OF PLANNING

*Planning and Zoning Commission voted 7-0 to approve the preliminary plan.*

PLUM CREEK PHASE 1 SECTION 6E 2-1 - FINAL PLAT (FP-13-011)  
11.256 ACRES; 62 LOTS; LOCATED BETWEEN EXTENSION OF KIRBY AND  
EXTENSION OF SANDERS, ADJACENT TO THE GOLF COURSE;  
OWNER: PLUM CREEK DEVELOPMENT PARTNERS, LTD.  
AGENT: ALAN RHAMES, P.E., AXIOM ENGINEERS, INC.  
~ SOFIA NELSON, DIRECTOR OF PLANNING

*Planning and Zoning Commission voted 7-0 to approve the plat*

Council Member Hervol moved to Approve Consent Agenda Item #9 ~ Authorizing the City Manager to execute a professional services agreement with DEAN ACTUARIES, LLC., of Dallas, Texas, for \$5,800.00 to provide independent actuarial valuation services for the City of Kyle's Post-Employment Benefits (OPEB) Plan through Fiscal Year ending September 30, 2013;

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**Item # 10** (*Second Reading*) An Ordinance to amend the City's approved budget for Fiscal Year 2013-14 by increasing total appropriations in the City's General Fund by \$10,000.00 and decreasing the Fund Balance in the General Fund by the same amount to pay for the retainer agreement with Herrera & Boyle, PLLC, to represent the City of Kyle in connection with the pending Monarch Utilities 2013 application to change rates/tariffs.

**Item # 11** ~ (*Second Reading*) An Ordinance of the City of Kyle, Texas, establishing Discovery Procedures for contested cases involving Public Utilities; **Item # 12** ~ Ratification of emergency purchase due to failure of City's telephone system hardware and authorize issuance of Purchase Orders to TELEPHONE CONNECTION of Austin, Texas, in the amount of 4,710.50 and ALCON DATA-TEL SOLUTIONS of Austin, Texas in the amount of \$454.00 for labor, equipment, and materials; **Item # 13** ~ (*Second Reading*) An Ordinance amending Chapter 53 (Zoning) for the purpose of rezoning approximately 4.426 acres of land from 'R-1' Single Family to 'W' Warehouse District located at 1108 Porter Street. (DALE & LANETTE LOWDEN Z-13-016); **Item #14** ~ (*Second Reading*) An Ordinance amending Chapter 53 (Zoning ) for the purpose of rezoning approximately 2.378 acres of land from 'R-1' Single Family to 'W' Warehouse District located at 1108-C Porter Street(Blake and Ramona Brown); **Item # 15** ~ Plum Creek Phase 1 Section 6E-3 - Preliminary (PP-13-006) 4.689 acres; 28 Lots Located immediately north of the intersection of Fairway and Sanders; **Item # 16** ~ Plum Creek Phase 1 Section 6E-3 - Final Plat (FP-13-013)4.689 acres; 28 Lots Located immediately north of the intersection of Fairway and Sanders; **Item # 17** ~ Plum Creek Phase 1 Section 6E 2-1 - Preliminary Plan (PP-13-004)11.256 acres; 62 Lots Located between extension of Kirby and extension of Sanders, adjacent to the Golf Course; **Item # 18** ~ Plum Creek Phase 1 Section 6E 2-1 - Final Plat (FP-13-011) 11.256 acres; 62 Lots Located between extension of Kirby and extension of Sanders, adjacent to the Golf Course. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER AND POSSIBLE ACTION REGARDING A REQUEST BY TEXAS GAS SERVICE TO ASSIGN THEIR FRANCHISE WITH THE CITY OF KYLE TO ONE GAS, INC. ~ *CODY FAULK, CITY ATTORNEY*

Council Member Hervol moved to approve a request by Texas Gas Service to assign their franchise with the City of Kyle to ONE Gas, Inc. Council Member Bryant seconds the motion. All aye. Motion carried.

COUNCIL REQUESTED AGENDA ITEMS

DISCUSS LAN INFRASTRUCTURE EVALUATION AND ANALYSIS REPORT AND TAKE POSSIBLE ACTION AS NEEDED. ~ *BECKY SELBERA, COUNCIL MEMBER DISTRICT 2*

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City Manager Lanny Lambert asked Drew Hardin to again present the Infrastructure and Analysis report done and previously presented to Council by LAN.

Mayor Johnson stated she would suggest that staff come up with a list of priorities for the downtown area both water and wastewater along with some roads, especially with the costs associated for each of those projects. Council Member Selbera stated that she would like to include Third Street.

### CITY MANAGERS REPORT

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

- Discuss a date for a Joint Workshop with City Council and Planning and Zoning.
- City Attorney Search Timeline
- December 18, 2013 Special Called Meeting for 2nd and Final reading of Annexation Ordinances
- Santa's Arrival & Tree Lighting Ceremony December 4, 2013 from 4:30 pm to 9:00 pm

City Manager Lanny Lambert asked Council for a date for the joint workshop with Planning and Zoning, and January 7, 2014 at 6:30 P.M. was selected. The Council decided to have the top 5 candidates for the City Attorney by December 17th and interviews on January 2, 2014 at 7:00 P.M. Mr. Lambert notified Council of the 1st and 2nd reading of the ordinances for annexations, and about the tree lighting ceremony scheduled for the next evening.

### ADJOURN

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

The City Council meeting adjourned at 8:22 P M.

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Lucy Johnson, Mayor

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Amelia Sanchez, City Secretary