

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on July 1, 2014 at 7:00 p.m. at Kyle City Hall, with the following persons present:

Mayor Todd Webster
Mayor Pro Tem Diane Hervol
Council Member Samantha LeMense
Council Member Becky Selbera
Council Member Tammy Swaton
Council Member David Wilson
Nik Fisher, Honorary Council Member
Lanny Lambert, City Manager
Perwez Moheet, Finance Director
Connie Brooks, Library Director
Diana Blank, Director of Economic Dev.
Ken Johnson, City Attorney
James Earp, Assistant City Manager
Mario Perez, Building Official
Robert Olvera, IT Systems Administrator
Jeff Barnett, Police Chief
Harper Wilder, Director of Public Works
Leon Barba, City Engineer

CALL MEETING TO ORDER

Mayor Webster called meeting to order at 7:00 p.m.

Mayor Webster stated that the community had a lost a very talented and impactful individual, Moe Johnson, this past week and stated he would like to honor him and his accomplishments to the community by calling for a moment of silence.

ROLL CALL

Mayor Webster called for roll call. Present were Mayor Webster, Mayor Pro Tem Hervol Council Member LeMense, Council Member Selbera, Council Member Swaton, Council Member Wilson and Honorary Member Nikolas Fisher.

APPROVAL OF MINUTES

CITY COUNCIL WORKSHOP - APRIL 15, 2014 ~ AMELIA SANCHEZ, CITY SECRETARY

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CITY COUNCIL WORKSHOP - APRIL 29, 2014 ~ AMELIA SANCHEZ, CITY SECRETARY

CITY REGULAR CALLED MEETING - JUNE 17, 2014 ~ AMELIA SANCHEZ, CITY SECRETARY

Mayor Pro Tem Hervol moved to approve the minutes of the City Council Workshop - April 15, 2014, City Council Workshop - April 29, 2014 and the City Regular Called Meeting - June 17, 2014. Council Member LeMense seconds the motion. All aye. Motion carried 6-0.

CITIZEN COMMENT PERIOD WITH CITY COUNCIL

Mayor Webster opened the citizens comment period at 7:02 p.m. and called for comments on items not on the agenda or posted for public hearing. Jennifer Cross owner of Cross Plants and Produce asked for an item to be included in the next meeting agenda for a variance to the Animal Ordinance # 545 to allow for her miniature horse and donkey to be kept on the property. Tony Graeves spoke and stated he bred Ms. Cross's animals and that there was plenty of space on their property and urged Council to allow her to keep her animals on the property. Kay Rush spoke and thanked everyone in the fight against Monarch and their requests every two years to increase rated. With no one else wishing to speak Mayor Webster closed the citizens comment period at 7:10 p.m.

PRESENTATION

PRESENTATION OF EMPLOYEE OF THE MONTH FOR THE MONTH OF JUNE ~ LANNY LAMBERT, CITY MANAGER

- Jason Biemer, Utilities Coordinator

City Manger Lanny Lambert presented Jason Biemer, Utilities Coordinator with the employee of the month award.

CONSENT AGENDA

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 26.147 ACRES FROM 'R-1-1' SINGLE FAMILY RESIDENTIAL 1 TO 'PUD' PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT WITH A BASE ZONING DESIGNATION OF SINGLE FAMILY ATTACHED 'R-1-A' , ON PROPERTY LOCATED AT THE END OF ARBOR KNOT DRIVE AND FERRULE DRIVE, HAYS COUNTY, TEXAS. (AUSTIN BROOKSIDE LP, Z-14-011). ~ JAMES EARP, ASSISTANT CITY MANAGER

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Planning and Zoning Commission voted 6-1 to approve the rezone request

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.97 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-2' MULTI-FAMILY RESIDENTIAL 2, ON PROPERTY LOCATED AT 200 GOFORTH ROAD IN HAYS COUNTY, TEXAS. (JO RULE - Z-14-014). ~ JAMES EARP, ASSISTANT CITY MANAGER

Planning and Zoning Commission voted 6-0 to approve the rezone request

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 6.03 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-2' MULTI-FAMILY RESIDENTIAL 2, ON PROPERTY LOCATED AT 210 GOFORTH ROAD IN HAYS COUNTY, TEXAS. (ARTHUR JR. & SYLVIA SEDILLO - Z-14-012). ~ JAMES EARP, ASSISTANT CITY MANAGER

Planning and Zoning Commission voted 6-0 to approve the rezone request

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.132 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-T' RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT 112 W. AUSTIN STREET, IN HAYS COUNTY, TEXAS. (FARIS BADI - Z-14-013). ~ JAMES EARP, ASSISTANT CITY MANAGER

Planning and Zoning Commission voted 6-0 to approve the rezone request

(SECOND READING) AN ORDINANCE AMENDING THE CITY'S APPROVED BUDGET FOR FISCAL YEAR 2013-14 BY INCREASING APPROPRIATIONS IN THE GENERAL FUND FOR THE OFFICE OF THE CITY MANAGER BY \$10,000.00 AND DECREASING FUND BALANCE IN THE GENERAL FUND BY THE SAME AMOUNT IN ORDER TO PROVIDE FUNDING TO HOLD A SPECIAL ELECTION ON AUGUST 9, 2014 AND FOR A POSSIBLE RUN-OFF ELECTION TO FILL A VACANCY IN DISTRICT THREE OF THE CITY COUNCIL. ~ PERWEZ A. MOHEET, CPA, DIRECTOR OF FINANCE

APPROVE THE PURCHASE OF A NEW HELP DESK SYSTEM FOR THE IT DEPARTMENT FROM CITRIX ONLINE, IN THE AMOUNT OF \$3,564.00 FOR ONE (1) YEAR. ~ ROBERT OLVERA, SYSTEMS ADMINISTRATOR

AWARD A BID TO VIKING CONSTRUCTION, INC., GEORGETOWN, TEXAS, LOWEST AND MOST RESPONSIBLE BIDDER, IN AN AMOUNT NOT TO EXCEED \$69,289.50 FOR

THE 2014 MISCELLANEOUS STREETS SLURRY SEAL PROJECT.~ LEON BARBA, P. E.,
CITY ENGINEER

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AWARD A REQUEST FOR PROPOSAL TO LOCKWOOD, ANDREWS AND NEWNAM, INC., IN AN AMOUNT NOT TO EXCEED \$18,995.00 FOR THE PURPOSE OF PROVIDING ADDITIONAL ENGINEERING SERVICES FOR THE YARRINGTON ROAD RELOCATION PROJECT. ~ LEON BARBA, CITY ENGINEER

ACCEPT KYLE-DONALSON HISTORICAL COLLECTION DONATED TO THE KYLE PUBLIC LIBRARY BY BARBARA DONALSON ALTHAUS. ~ CONNIE BROOKS, DIRECTOR OF KYLE PUBLIC LIBRARY

AUTHORIZE A PAYMENT TO CARRANZA PUPPETS OF HOUSTON, TEXAS, IN AN AMOUNT NOT TO EXCEED \$718.00 TO PERFORM AT THE KYLE PUBLIC LIBRARY. ~ CONNIE BROOKS, DIRECTOR OF KYLE PUBLIC LIBRARY

APPROVE TLO ACCESS AGREEMENT AND ACCESSIBILITY AGREEMENT IN AN AMOUNT NOT TO EXCEED \$1,680.00 FOR THE KYLE POLICE DEPARTMENT, WHICH PROVIDES ACCESS TO LAW ENFORCEMENT OFFICERS WITH PUBLIC AND PRIVATE DATA THAT ASSISTS WITH CRIMINAL INVESTIGATIONS AND EMPLOYEE BACKGROUNDS. ~ JEFF BARNETT, CHIEF OF POLICE

APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND THE KYLE POLICE DEPARTMENT FOR MEMBERSHIP IN THE LOCAL INTERNET CRIMES AGAINST CHILDREN TASK FORCE. ~ JEFF BARNETT, CHIEF OF POLICE

APPROVE AN INTERLOCAL COOPERATION AGREEMENT, WITH INCLUDED AMENDMENTS, IN AN AMOUNT NOT TO EXCEED \$4,329.00 WITH THE AUSTIN REGIONAL INTELLIGENCE CENTER FOR THE PURPOSES OF PUBLIC SAFETY AND CRIMINAL/COUNTERTERRORISM INTELLIGENCE AND AUTHORIZE THE CHIEF OF POLICE TO SIGN THE SAME. ~ JEFF BARNETT, CHIEF OF POLICE

AWARD A BID TO DECATUR ELECTRONICS, PHOENIX, ARIZONA, LOWEST AND MOST RESPONSIBLE BIDDER, FOR THE PURCHASE OF ONE TRAILER MOUNTED RADAR UNIT IN AN AMOUNT NOT TO EXCEED \$9,840.00 FOR USE BY THE POLICE DEPARTMENT. ~ JEFF BARNETT, CHIEF OF POLICE

AWARD A BID TO NORCON COMMUNICATIONS, INC., OF INWOOD, NEW YORK, LOWEST AND MOST RESPONSIBLE BIDDER, FOR THE PURCHASE OF A POWERED SPEAKER MICROPHONE IN AN AMOUNT NOT TO EXCEED \$884.00 FOR THE FRONT

WINDOW OF THE POLICE DEPARTMENT BUILDING. ~ JEFF BARNETT, CHIEF OF POLICE

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AUTHORIZE THE PURCHASE OF VARIOUS EMERGENCY EQUIPMENT FROM GT DISTRIBUTORS, INC., OF AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$35,975.30 TO EQUIP THE RECENTLY PURCHASED THREE NEW 2014 CHEVROLET TAHOE POLICE PURSUIT VEHICLES. ~ JEFF BARNETT, CHIEF OF POLICE

AUTHORIZE THE PURCHASE AND INSTALLATION OF POLICE RADIOS FROM LOWER COLORADO RIVER AUTHORITY (LCRA) OF AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$8,490.02 TO EQUIP THE RECENTLY PURCHASED THREE NEW 2014 CHEVROLET TAHOE POLICE PURSUIT VEHICLES. ~ JEFF BARNETT, CHIEF OF POLICE

AUTHORIZE THE PURCHASE OF THREE DIFFERENT TYPES OF PORTABLE RADAR UNITS FROM LASER TECHNOLOGY, INC., OF CENTENNIAL, COLORADO, IN AN AMOUNT NOT TO EXCEED \$7,485.00 TO EQUIP THE RECENTLY PURCHASED THREE NEW 2014 CHEVROLET TAHOE POLICE PURSUIT VEHICLES. ~ JEFF BARNETT, CHIEF OF POLICE

AUTHORIZE THE PURCHASE OF THREE STALKER RADAR UNITS AND ACCESSORIES FROM APPLIED CONCEPTS, INC., OF PLANO, TEXAS, IN AN AMOUNT NOT TO EXCEED \$6,795.00 TO EQUIP THE RECENTLY PURCHASED THREE NEW 2014 CHEVROLET TAHOE POLICE PURSUIT VEHICLES. ~ JEFF BARNETT, CHIEF OF POLICE

AUTHORIZE THE PURCHASE OF ALCOHOL SENSOR UNIT SETS AND ASSOCIATED SUPPLIES FROM INTOXIMETERS, INC., OF SAINT LOUIS, MISSOURI, IN AN AMOUNT NOT TO EXCEED \$1,237.00 TO EQUIP THE RECENTLY PURCHASED THREE NEW 2014 CHEVROLET TAHOE POLICE PURSUIT VEHICLES. ~ JEFF BARNETT, CHIEF OF POLICE

AUTHORIZE THE CITY MANAGER TO EXECUTE AN INSTALLATION SERVICES CONTRACT WITH MIKE VASIL OF KYLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$7,500.00 FOR THE INSTALLATION OF EMERGENCY EQUIPMENT ON THE RECENTLY PURCHASED THREE NEW 2014 CHEVROLET TAHOE POLICE PURSUIT VEHICLES. ~ JEFF BARNETT, CHIEF OF POLICE

AUTHORIZE THE PURCHASE AND INSTALLATION OF KYLE POLICE GRAPHICS AND DOOR WRAPS FROM MAIN STREET SIGNS & GRAPHICS OF ARLINGTON, TEXAS, IN AN AMOUNT NOT TO EXCEED \$3,784.71 TO VISUALLY IDENTIFY THE RECENTLY PURCHASED THREE NEW 2014 CHEVROLET TAHOE POLICE PURSUIT

VEHICLES AS KYLE POLICE DEPARTMENT PATROL UNITS. ~ JEFF BARNETT, CHIEF OF POLICE

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AUTHORIZE THE PURCHASE OF STADIUM CUPS, ADHESIVE CALENDARS, AND POLICE BADGE STICKERS WITH KYLE POLICE DEPARTMENT GRAPHICS FROM CREATIVE SERVICES OF NEW ENGLAND, LEICESTER, MASSACHUSETTS, IN AN AMOUNT NOT TO EXCEED \$702.10 FOR USE BY THE POLICE DEPARTMENT DURING NATIONAL NIGHT OUT AND OTHER CRIME PREVENTION EVENTS THROUGHOUT THE CITY. ~ JEFF BARNETT, CHIEF OF POLICE

AUTHORIZE THE PURCHASE OF POLICE DEPARTMENT LOGO, POLY DRAW BAGS, AND CRIME PREVENTION COLORING BOOKS WITH POLICE DEPARTMENT LOGO FROM CREATIVE SERVICES OF NEW ENGLAND, LEICESTER, MASSACHUSETTS, IN AN AMOUNT NOT TO EXCEED \$1,042.34 TO BE USED BY POLICE DEPARTMENT FOR NATIONAL NIGHT OUT AND OTHER CRIME PREVENTION EVENTS THROUGHOUT THE CITY. ~ JEFF BARNETT, CHIEF OF POLICE

Mayor Pro Tem Hervol moved to approve Consent Agenda **Item # 5** ~ (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 26.147 acres from 'R-1-1' Single Family Residential 1 to 'PUD' Planned Unit Development Overlay District with a base zoning designation of Single Family Attached 'R-1-A' , on property located at the end of Arbor Knot Drive and Ferrule Drive, Hays County, Texas; # **6** ~ (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 3.97 acres of land from 'RS' Retail Service District to 'R-3-2' Multi-Family Residential 2, on property located at 200 Goforth Road in Hays County, Texas; # **7** ~ (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 6.03 acres of land from 'RS' Retail Service District to 'R-3-2' Multi-Family Residential 2, on property located at 210 Goforth Road in Hays County, Texas; # **8** ~ (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.132 acres of land from 'R-1' Single Family to 'R-1-T' Residential Townhome, on property located at 112 W. Austin Street, in Hays County, Texas; # **9** ~ (*Second Reading*) An Ordinance amending the City's Approved Budget for Fiscal Year 2013-14 by increasing appropriations in the General Fund for the Office of the City Manager by \$10,000.00 and decreasing fund balance in the General Fund by the same amount in order to provide funding to hold a special election on August 9, 2014 and for a possible run-off election to fill a vacancy in District Three of the City Council; # **10** ~ Approve the purchase of a new Help Desk System for the IT Department from CITRIX ONLINE, in the amount of \$3,564.00 for one (1) year; # **11** ~ Award a bid to VIKING CONSTRUCTION, INC., Georgetown, Texas, lowest and most responsible bidder, in an amount not to exceed \$69,289.50 for the 2014 Miscellaneous Streets Slurry Seal Project;

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12 ~ Award a Request For Proposal to LOCKWOOD, ANDREWS AND NEWNAM, INC., in an amount not to exceed \$18,995.00 for the purpose of providing additional engineering services for the Yarrington Road Relocation Project; # **13** ~ Accept Kyle-Donalson historical collection donated to the Kyle Public Library by Barbara Donalson Althaus; # **14** ~ Authorize a payment to CARRANZA PUPPETS of Houston, Texas, in an amount not to exceed \$718.00 to perform at the Kyle Public Library; # **15** ~ Approve TLO Access Agreement and Accessibility Agreement in an amount not to exceed \$1,680.00 for the Kyle Police Department, which provides access to law enforcement officers with public and private data that assists with criminal investigations and employee backgrounds; # **16** ~ Approve Memorandum of Understanding between the Office of the Attorney General and the Kyle Police Department for membership in the local Internet Crimes Against Children Task Force; # **17** ~ Approve an Interlocal Cooperation Agreement, with included amendments, in an amount not to exceed \$4,329.00 with the Austin Regional Intelligence Center for the purposes of Public Safety and Criminal/Counterterrorism Intelligence and authorize the Chief of Police to sign the same; # **18** ~ Award a bid to DECATUR ELECTRONICS, Phoenix, Arizona, lowest and most responsible bidder, for the purchase of one trailer mounted radar unit in an amount not to exceed \$9,840.00 for use by the Police Department; # **19** ~ Award a bid to NORCON COMMUNICATIONS, INC., of Inwood, New York, lowest and most responsible bidder, for the purchase of a powered speaker microphone in an amount not to exceed \$884.00 for the front window of the Police Department building; # **20** ~ Authorize the purchase of various emergency equipment from GT DISTRIBUTORS, INC., of Austin, Texas, in an amount not to exceed \$35,975.30 to equip the recently purchased three new 2014 Chevrolet Tahoe Police Pursuit Vehicles; # **21** ~ Authorize the purchase and installation of police radios from LOWER COLORADO RIVER AUTHORITY (LCRA) of Austin, Texas, in an amount not to exceed \$8,490.02 to equip the recently purchased three new 2014 Chevrolet Tahoe Police Pursuit Vehicles; # **22** ~ Authorize the purchase of three different types of portable radar units from LASER TECHNOLOGY, INC., of Centennial, Colorado, in an amount not to exceed \$7,485.00 to equip the recently purchased three new 2014 Chevrolet Tahoe Police Pursuit Vehicles; # **23** ~ Authorize the purchase of three Stalker Radar units and accessories from APPLIED CONCEPTS, INC., of Plano, Texas, in an amount not to exceed \$6,795.00 to equip the recently purchased three new 2014 Chevrolet Tahoe Police Pursuit Vehicles; # **24** ~ Authorize the purchase of alcohol sensor unit sets and associated supplies from INTOXIMETERS, INC., of Saint Louis, Missouri, in an amount not to exceed \$1,237.00 to equip the recently purchased three new 2014 Chevrolet Tahoe Police Pursuit Vehicles; # **25** ~ Authorize the City Manager to execute an installation services contract with MIKE VASIL of Kyle, Texas, in an amount not to exceed \$7,500.00 for the installation of emergency equipment on the recently purchased three new 2014 Chevrolet Tahoe Police Pursuit Vehicles; # **26** ~ Authorize the purchase and installation of Kyle Police graphics and door wraps from MAIN STREET SIGNS & GRAPHICS of Arlington, Texas, in an amount not to exceed \$3,784.71 to visually identify the recently purchased three new 2014 Chevrolet Tahoe Police Pursuit Vehicles as Kyle Police Department patrol units; # **27** ~ Authorize the purchase of stadium cups, adhesive calendars, and police badge stickers with Kyle Police Department graphics from CREATIVE SERVICES OF NEW ENGLAND, Leicester, Massachusetts, in an amount not to exceed

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\$702.10 for use by the Police Department during National Night Out and other crime prevention events throughout the city; # 28 ~ Authorize the purchase of Police Department logo, poly draw bags, and crime prevention coloring books with Police Department logo from CREATIVE SERVICES OF NEW ENGLAND, Leicester, Massachusetts, in an amount not to exceed \$1,042.34 to be used by Police Department for National Night Out and other crime prevention events throughout the city. Council Member Wilson seconds the motion. All aye. Motion carried 6-0.

CONSIDER AND POSSIBLE ACTION

(FIRST READING) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 50, "UTILITIES," ARTICLE VI, "IMPACT FEES," SEC. 50-233(A), BY ADDING A DEFINITION OF "REDUNDANT METER"; AMENDING SEC. 50-261 OF SAID CHAPTER TO EXEMPT REDUNDANT METERS FROM PAYMENT OF IMPACT FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING REPEAL OF CONFLICTING ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO. ~ JAMES EARP, ASSISTANT CITY MANAGER

Council Member Wilson moved to approve (*First Reading*) An Ordinance of the City of Kyle, Texas, Amending the Code of Ordinances, Chapter 50, "Utilities," Article VI, "Impact Fees," Sec. 50-233(a), by adding a definition of "Redundant Meter"; Amending Sec. 50-261 of said Chapter to exempt redundant meters from payment of Impact Fees; Providing a severability clause; Providing repeal of conflicting ordinances; Finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; Providing an effective date; Making such other findings and provisions related hereto. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 6-0.

A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE U. S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR FUNDING THROUGH THE FY14 COPS HIRING PROGRAM (CHP) IN THE AMOUNT OF \$125,000.00 FOR THREE YEARS AND REQUIRING CITY PARTICIPATION IN THE AMOUNT OF \$89,180.00 OVER THE 3-YEAR PERIOD PLUS AN ADDITIONAL 100% FUNDING APPROXIMATELY \$75,000.00 REQUIRED OF THE CITY IN YEAR 4; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO PROVIDE MATCHING FUNDS; TO WORK WITH THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO COMPLY WITH GRANT REQUIREMENTS OF THE COPS HIRING PROGRAM. ~ JOSH MORENO, GRANTS ADMINISTRATOR

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Council Member Wilson moved to approve a Resolution of the City Council, City of Kyle, Texas, Authorizing the filing of a grant application with the U. S. Department of Justice, Community Oriented Policing Services (COPS), for funding through the FY14 COPS Hiring Program (CHP) in the amount of \$125,000.00 for three years and requiring City participation in the amount of \$89,180.00 over the 3-year period plus an additional 100% funding approximately \$75,000.00 required of the City in year 4; Authorizing the City Manager to act on behalf of the City of Kyle, Texas in all matters related to the application; To provide matching funds; To work with the U. S. Department of Justice, Office of Community Oriented Policing Services to comply with grant requirements of the COPS Hiring Program. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 6-0.

A RESOLUTION TO COMPLY WITH REQUIREMENTS FOR CONSIDERATION OF AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE DOWNTOWN REVITALIZATION PROGRAM FY14 AND ADDRESS THE PROGRAM OBJECTIVE OF ELIMINATING SLUM OR BLIGHT CONDITIONS IN THE DOWNTOWN AREA AND MEETING THE REQUIREMENT BY SUPPORTING A DETERMINATION MADE ON A SPOT BASIS THAT THE PROPOSED PROJECT AREA QUALIFIES AS SLUM OR BLIGHTED AND TO MEET THE OBJECTIVE BY DESCRIBING THE SPECIFIC CONDITIONS OF BLIGHT OR DECAY THAT ARE TO BE TREATED. ~ JOSH MORENO, GRANTS ADMINISTRATOR

Council Member Selbera moved to approve a Resolution to comply with requirements for consideration of an application for funding through the Texas Department of Agriculture Downtown Revitalization Program FY14 and address the program objective of eliminating slum or blight conditions in the downtown area and meeting the requirement by supporting a determination made on a spot basis that the proposed project area qualifies as slum or blighted and to meet the objective by describing the specific conditions of blight or decay that are to be treated. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 6-0.

A RESOLUTION APPROVING AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE DOWNTOWN REVITALIZATION PROGRAM IN THE AMOUNT OF \$150,000 WITH A REQUIRED 10% OF THE REQUESTED GRANT AMOUNT OR \$15,000 IN THE FORM OF CASH MATCH FROM THE CITY. ~ JOSH MORENO, GRANTS ADMINISTRATOR

Council Member Selbera moved to approve a Resolution approving an application for funding through the Texas Department of Agriculture Downtown Revitalization Program in the amount of \$150,000 with a required 10% of the requested grant amount or \$15,000 in the form of cash match from the City. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 6-0.

COUNCIL REQUESTED AGENDA ITEMS

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(FIRST READING) AN ORDINANCE AMENDING THE CITY'S APPROVED BUDGET FOR FISCAL YEAR 2013-14 BY INCREASING APPROPRIATIONS IN THE GENERAL FUND FOR THE PLANNING & ZONING DEPARTMENT BY \$3,500.00 AND DECREASING FUND BALANCE IN THE GENERAL FUND BY THE SAME AMOUNT IN ORDER TO PROVIDE FUNDING FOR THE PROFESSIONAL SERVICES CONTRACT AWARDED BY CITY COUNCIL ON JUNE 17,2014 TO BYRN & ASSOCIATES INC., FOR THE PURPOSE OF REPLATTING THE EDWARD J. SLEDGE AND KYLE LIBRARY PLATS. ~ PERWEZ A. MOHEET, CPA, DIRECTOR OF FINANCE

Council Member Wilson moved to approve (*First Reading*) An Ordinance amending the City's Approved Budget for Fiscal Year 2013-14 by increasing appropriations in the General Fund for the Planning & Zoning Department by \$3,500.00 and decreasing fund balance in the General Fund by the same amount in order to provide funding for the professional services contract awarded by City Council on June 17,2014 to Byrn & Associates Inc., for the purpose of replatting the Edward J. Sledge and Kyle Library plats. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 6-0.

CITY MANAGERS REPORT

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

1. ADA Presentation
2. Budget Workshops
3. City Council Retreat, July 12, 2014, 8:30 a.m. - 4:45 p.m., Texas State University
4. G-200 Texas Public Officials Emergency Management Training, July 21, 2014, 2:00 p.m. - 5:00 p.m., Kyle City Hall, Council Chambers
5. Discuss City Hall Operating Hours

Mr. Lambert presented a ADA Self Evaluation report to Council on all the city owned facilities that included a General Overview of Legislation, Facilities Evaluation, Program Evaluation, Policies Evaluation, Law Enforcement Policies, Practices, and Procedures Evaluation and a Transition Plan. Mr. Lambert stated City Staff had been instructed to continue review and assess accessibility and submit findings by August 1, 2014.

(SECOND READING) (TABLED AT 6-17-14 MEETING) AN ORDINANCE AMENDING THE CITY'S APPROVED BUDGET FOR FISCAL YEAR 2013-14 BY INCREASING APPROPRIATIONS IN THE GENERAL FUND FOR THE PARKS AND RECREATION DEPARTMENT BY \$121,400.00 AND DECREASING FUND BALANCE IN THE GENERAL FUND BY THE SAME AMOUNT IN ORDER TO PROVIDE FUNDING TO CONDUCT AN

AMENITY ACCESS AUDIT OF CITY-OWNED FACILITIES AND TO DEVELOP A
TRANSITION PLAN FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES
ACT. ~ PERWEZ A. MOHEET, CPA, DIRECTOR OF FINANCE

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Council Member Wilson moved to disapprove (*Second Reading*) (*Tabled at 6-17-14 Meeting*) (***To Be Considered after City Manager Report***) An Ordinance amending the City's Approved Budget for Fiscal Year 2013-14 by increasing appropriations in the General Fund for the Parks and Recreation Department by \$121,400.00 and decreasing fund balance in the General Fund by the same amount in order to provide funding to conduct an amenity access audit of City-owned facilities and to develop a transition plan for compliance with the Americans with Disabilities Act. Council Member LeMense seconds the motion. All aye. Motion carried 6-0.

Mayor Webster asked for a motion to Convene into Executive Session on Items 37 and 38.

Mayor Pro Tem Hervol moves to Convene into Executive Session at 8:31 p.m. on Items 37 and 38. Council Member LeMense seconds the motion. Council Member Wilson suggested opening all the Executive Session items. Mayor Webster stated he would prefer finishing the two items for anyone waiting for those two items and then stated there were still items on the City Manger's report and asked how long that would take. Mr. Lambert stated 30 seconds and quickly mentioned the budget workshops, City Council Retreat, and the G200 upcoming training. Mayor Webster stated he was certain that did not follow correct procedure and asked they go ahead and move forward with the motion, but then stated that they needed to withdraw the motion and amend the motion to include all items on Executive Session. Mayor Pro Tem Hervol amended her motion to open all items on Executive Session. Council Member LeMense agrees. All aye. Motion carried 6-0.

EXECUTIVE SESSION

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SEC. 551.071, TEX. GOV'T CODE, TO CONSULT WITH THE CITY ATTORNEY REGARDING CONTEMPLATED LITIGATION AND THE MATTER OF THE BUNTON CREEK PUBLIC IMPROVEMENT DISTRICT AND PURSUANT TO THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS UNDER WHICH THE CITY ATTORNEY HAS A DUTY TO KEEP HIS CLIENT, THE CITY COUNCIL, REASONABLY INFORMED, REGARDING THE STATUS OF THE MATTER OF THE BUNTON CREEK PUBLIC IMPROVEMENT DISTRICT.

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SEC. 551.071, TEX. GOV'T CODE, TO CONSULT WITH THE CITY ATTORNEY REGARDING HURLSTON V. CITY OF KYLE, ET AL AND PURSUANT TO THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS UNDER WHICH THE CITY

ATTORNEY HAS A DUTY TO KEEP HIS CLIENT, THE CITY COUNCIL, REASONABLY INFORMED, REGARDING THE STATUS OF HURLSTON V. CITY OF KYLE, ET AL.

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CONVENE INTO EXECUTIVE SESSION PURSUANT TO SEC. 551.071, TEX. GOV'T CODE, TO CONSULT WITH THE CITY ATTORNEY REGARDING ONGOING LITIGATION WITH MONARCH UTILITIES, AND PURSUANT TO THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS UNDER WHICH THE CITY ATTORNEY HAS A DUTY TO KEEP HIS CLIENT, THE CITY COUNCIL, REASONABLY INFORMED, REGARDING THE STATUS OF ONGOING LITIGATION WITH MONARCH UTILITIES

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

CONVENE INTO EXECUTIVE SESSION PURSUANT TO TEX. GOV'T CODE, SEC. 551.087 TO DISCUSS MARKETPLACE AVENUE DEVELOPMENT PROJECT

Council Member Lemense moved to Reconvene into Open Session at 11:00 p.m. Mayor Pro Tem Hervol seconds the motion. Mayor Pro Tem clarifies that they would Reconvene for items 40, 41, 42, 43, 44 and 45. All aye. Motion carried 6-0.

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE IN THE CITY COUNCIL'S DISCRETION REGARDING ONGOING LITIGATION WITH MONARCH UTILITIES.

Mayor Pro Tem Hervol moved to approve the Ordinance to adopt the settlement agreement with Monarch Utilities. Council Member Swaton seconds the motion. All aye. Motion carried 6-0.

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

Mayor Webster moved to take No Action regarding the renewal of the City Manager contract. Council Member LeMense seconds the motion. All aye. Motion carried 6-0.

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE REGARDING HURLSTON V. CITY OF KYLE, ET AL.

Mayor Pro Tem Hervol moved to take No Action regarding Hurlston vs City of Kyle. Council Member LeMense seconds the motion. All aye. Motion carried 6-0.

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RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE REGARDING CONTEMPLATED LITIGATION AND THE MATTER OF THE BUNTON CREEK PUBLIC IMPROVEMENT DISTRICT.

Mayor Pro Tem Hervol moved to take No Action regarding contemplated litigation and the matter of the Bunton Creek Public Improvement District. Council Member Wilson seconds the motion. All aye. Motion carried 6-0.

RECONVENE INTO PUBLIC SESSION AND TAKE ACTION AS APPROPRIATE REGARDING MARKETPLACE AVENUE DEVELOPMENT PROJECT

Council Member Wilson moved to direct staff to continue negotiating the agreement with Plum Creek Developers for Market Place. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 6-0.

ADJOURN

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

The City Council meeting adjourned at 11:10 pm.

Todd Webster, Mayor

Amelia Sanchez, City Secretary