

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on November 5, 2014 at 7:00 p.m. at Kyle City Hall, with the following persons present:

Mayor Todd Webster	Genest Hardint
Mayor Pro Tem Diane Hervol	Jason Dibble
Council Member Tammy Swaton	Jerry Kolacny
Council Member Selbera	
Council Member Swaton	
Council Member David Wilson	
James Collins, Honorary Member	
James Earp, Interim City Manager	
Perwez Moheet, Director of Finance	
Ken Johnson, City Attorney	
Jerry Hendrix, Chief of Staff	
Leon Barba, City Engineer	
Manny De La Rosa, Director of Planning	
Robert Olvera, IT	
Diana Blank-Torres, Director Economic Development	
Sandra Duran, HR Director	
Kerry Urbanowicz, Parks Director	
Harper Wilder, Public Works Director	
Chief Barnett, Kyle PD	

CALL MEETING TO ORDER

Mayor Webster called the meeting to order at 7:01 p.m.

ROLL CALL

Mayor Webster called for roll call. Present were Mayor Webster, Mayor Pro Tem Hervol, Council Member Selbera, Council Member Swaton, Council Member Arabie, Council Member Wilson, and Honorary Member James Collins.

Council Member LeMense was absent.

APPROVAL OF MINUTES

CITY COUNCIL SPECIAL CALLED MEETING - AUGUST 28, 2014 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL SPECIAL CALLED MEETING - OCTOBER 21, 2014 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Mayor Pro Tem Hervol moved to approve the minutes of the City Council Regular Meeting - October 21, 2014, and the August 28, 2014 Special Called Meeting. Council Member Selbera seconds the motion. All aye. Motion carried 6-0.

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CITIZEN COMMENT PERIOD WITH CITY COUNCIL

THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS EARLY IN THE AGENDA OF REGULAR MEETINGS. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AT THE KYLE CITY HALL. SPEAKERS MAY BE PROVIDED WITH AN OPPORTUNITY TO SPEAK DURING THIS TIME PERIOD, AND THEY MUST OBSERVE THE THREE-MINUTE TIME LIMIT.

Mayor Webster opened the Citizens Comments at 7:03 p.m. Genest Harding spoke and stated she had been on the Community Relations Committee for the past 3 years and the committed had accomplished some important roles during that time. She stated their task being to review and make recommendations to the Council. She restated *recommendations* to the Council. She stated that regarding grants for nonprofits serving the citizens of Kyle they gave these organizations the opportunity to present their organizations benefits to the citizens of Kyle in a more personal way, and then made the recommendations to Council. She stated they were also asked to work on a lifetime award and had also worked on that very hard and that she agreed there needed to be guidelines for the committees and hoped the citizens would be allowed to continue to serve. Jason Dibble spoke and stated he was the new KPEA President and invited Council to a 2014 Thanksgiving food drive at the VFW on the 24th of November and try to collect enough for 30 families. Jerry Kolacny spoke and stated that at every meeting he attended it seemed that the spending kept growing and growing. He stated Council planned to spend 1/4 of a million dollars super high speed internet for the employees and asked if this was really needed. He also stated he also did not understand buying 50 guns at one time. With no one else wishing to speak Mayor Webster closed Citizens Comments at 7:10 p.m.

PRESENTATION

RECOGNITION OF TRISTA FUGATE FOR SERVICE AND COMMITMENT TO THE ECONOMIC DEVELOPMENT & TOURISM COMMITTEE. ~ *DIANE HERVOL, MAYOR PRO-TEM*

Mayor Webster presented Ms. Fugate with a plaque for her service to the Economic Development Committee.

PRESENTATION OF RESULTS FROM THE KYLE AREA YOUTH ADVISORY COUNCIL (KAYAC) YOUTH SURVEY DISTRIBUTED TO BOTH KYLE HIGH SCHOOLS. ~ KYLE AREA YOUTH ADVISORY COUNCIL

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James Collins, and members of KAYAC presented the results of a survey done at Hays and Lehman High Schools regarding a broad range of youth opinions regarding services and activities in the City of Kyle and to provide information to help create programs to assist the youth.

CONSENT AGENDA

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO MITCHELL MOTOR SPORTS, KYLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$16,000.00 FOR THE PURCHASE OF A NEW 72" ZTR MOWER FOR THE PARKS AND RECREATION DEPARTMENT. ~ *KERRY URBANOWICZ, DIRECTOR OF PARKS AND RECREATION*

APPROVE AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT BETWEEN CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY AND THE CITY OF KYLE IN AN AMOUNT NOT TO EXCEED \$54,000.00 FOR TRANSPORTATION SERVICES. ~ *JERRY HENDRIX, CHIEF OF STAFF*

APPROVE SUPPLEMENTAL WORK AUTHORIZATION #2 FOR GOFORTH ROAD EXTENSION NEW LOCATION ROADWAY IMPROVEMENTS (SWA#2) TO THE PROFESSIONAL SERVICES AGREEMENT WITH LOCKWOOD, ANDREWS, AND NEWNAM, INC., IN AN AMOUNT NOT TO EXCEED \$204,930.25, FOR THE PURPOSE OF PROVIDING ENGINEERING SERVICES AND DOCUMENTS NECESSARY FOR THE DEVELOPMENT OF PROJECT PLANS, ESTIMATES, AND BID SPECIFICATIONS. ~ *LEON BARBA, P.E., CITY ENGINEER*

APPROVE SUPPLEMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., IN AN AMOUNT NOT TO EXCEED \$195,558.50 FOR LEHMAN ROAD IMPROVEMENTS TO INCLUDE PROVIDING RIGHT-OF-WAY SERVICES AND DOCUMENTS, (PARCEL PLATS, APPRAISAL REPORTS, ETC.), ADDITIONAL UTILITY ENGINEERING DESIGN AND DRAINAGE ANALYSIS, AND ACQUISITION OF PROPERTIES. ~ *LEON BARBA, P.E., CITY ENGINEER*

APPROVE A PROPOSAL FROM TIME WARNER CABLE BUSINESS CLASS FOR A 60-MONTH TERM IN AN AMOUNT NOT TO EXCEED \$262,140.00 OR \$4,369.00 PER MONTH INCLUDING A FEDERAL UNIVERSAL SERVICE FEE TO CONNECT ALL CITY OFFICE LOCATIONS TO A FIBER ELAN ETHERNET NETWORK. ~ *ROBERT OLVERA, SYSTEMS ADMINISTRATOR*

APPROVE THE PURCHASE OF MICROSOFT OFFICE 365 SOFTWARE FOR A ONE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$33,287.05 TO REPLACE CITY STAFF USE OF GOOGLE APPS ~ *ROBERT OLVERA, SYSTEMS ADMINISTRATOR*

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APPROVE THE PURCHASE OF FIFTY (50) GLOCK 22 GEN IV .40 CALIBER PISTOLS FROM GT DISTRIBUTORS, INC., AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$23,687.50 TO BE USED BY THE KYLE POLICE DEPARTMENT. ~ *JEFF BARNETT, CHIEF OF POLICE*

APPROVE REVISION TO THE LEASE DATED JUNE 17, 2014, BETWEEN THE CITY AND DALLAS MTA, L.P., D/B/A VERIZON WIRELESS, TO ALLOW VERIZON TO RELOCATE ITS NEAREST PUBLIC RIGHT-OF-WAY FROM OLD STAGECOACH ROAD TO THE CITY'S ACCESS EASEMENT CONNECTING TO NEGLEY STREET. ~ *HARPER WILDER, DIRECTOR OF PUBLIC WORKS*

Mayor Pro Tem Hervol asked to pull items # 7 and 8 and moved to approve items 5, 6, 9 10, 11 and 12. Mayor Webster stated he was going to pull items 9 and 11 to respond to comments made earlier. Mayor Pro Tem Hervol withdrew part of the motion and restated the motion to approve items 5,6,10 and 12. Council Member Swaton seconds the motion. All votes aye. Motion carried 6-0.

Mayor Pro Tem Hervol moved to approve item # 7 Supplemental Work Authorization #2 for Goforth Road Extension new location roadway improvements (SWA#2) to the Professional Services Agreement with Lockwood, Andrews, and Newnam, Inc., in an amount not to exceed \$204,930.25, for the purpose of providing engineering services and documents necessary for the development of project plans, estimates, and bid specifications. Council Member Selbera seconds the motion. All aye. Motion carried 6-0.

Mayor Pro Tem Hervol moved to approve item # 8 Supplement No. 1 to Professional Services Agreement with HDR Engineering, Inc., in an amount not to exceed \$195,558.50 for Lehman Road improvements to include providing right-of-way services and documents, (parcel plats, appraisal reports, etc.), additional utility engineering design and drainage analysis, and acquisition of properties. Council Member Selbera seconds the motion. All aye. Motion carried 6-0.

Council Member Wilson moved to approve item # 9 a proposal from Time Warner Cable Business Class for a 60-month term in an amount not to exceed \$262,140.00 or \$4,369.00 per month including a Federal Universal Service Fee to connect all city office locations to a fiber Elan ethernet network. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 6-0.

Council Member Wilson moved to approve item # 11 the purchase of fifty (50) Glock 22 Gen IV .40 caliber pistols from GT DISTRIBUTORS, INC., Austin, Texas, in an amount not to exceed \$23,687.50 to be used by the Kyle Police Department. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 6-0.

CONSIDER AND POSSIBLE ACTION

(FIRST READING) AN ORDINANCE AUTHORIZING PERMITTEES OF MIXED BEVERAGE PERMITS AND LATE-HOURS PERMITS TO SELL OR OFFER FOR SALE MIXED BEVERAGES FROM THE HOURS OF TWELVE MIDNIGHT UNTIL TWO A.M. ON ANY DAY; PROVIDING DEFINITIONS; LEVYING A FEE ON PERMITTEES AFTER A THREE-YEAR PERIOD FOLLOWING THE ISSUANCE OF PERMITS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO. ~ *KEN JOHNSON, CITY ATTORNEY*

PUBLIC HEARING

Mayor Webster opened the Public Hearing at 8:09 pm to hear comments on *(First Reading)* An ordinance authorizing permittees of mixed beverage permits and late-hours permits to sell or offer for sale mixed beverages from the hours of twelve midnight until two a.m. on any day; providing definitions; levying a fee on permittees after a three-year period following the issuance of permits. Jerry Kolacny spoke and stated that when he move here from Houston 15 years ago Kyle was a nice place to live. Houston neighborhoods were troubled with gangs, but that now ever smaller cities are seeing gang problems and felt that this ordinance would set Kyle up for decline. He stated the late hour alcohol permit was not a good thing for downtown. James Rios spoke and stated San Marcos had crime decrease after going to late hour alcohol sales and people could walk home and not drive. He stated that Center Street was thriving and this would be a step in the right direction.

Mayor Pro Tem Hervol moved to approve *(First Reading)* An ordinance authorizing permittees of mixed beverage permits and late-hours permits to sell or offer for sale mixed beverages from the hours of twelve midnight until two a.m. on any day; providing definitions; levying a fee on permittees after a three-year period following the issuance of permits. Council Member Swaton seconds the motion. Mayor Webster asked for a roll call vote. Mayor Pro Tem Hervol votes aye, Council Member Selbera votes nay, Mayor Webster votes aye, Council Member Swaton votes aye, Council Member Arabie votes aye, Council Member Wilson votes aye. Motion carried 5-1 with Council Member Selbera voting nay.

GENERAL DISCUSSION

DISCUSSION ONLY REGARDING COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS.

Mayor Webster moved to table discussion regarding council requests for future agenda items. Council Member Selbera seconds the motion. All aye. Motion carried 6-0.

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Mayor Webster moved to item # 18 with Council approval.

CONVENE INTO EXECUTIVE SESSION PURSUANT TO TEX. GOV'T CODE SEC. 551.074 (PERSONNEL) AND SEC. 551.071(2) (CONSULTATIONS WITH ATTORNEY) TO DISCUSS AND TAKE POSSIBLE ACTION REGARDING AN UPDATE BY SGR CONSULTANTS ON THE SEARCH FOR CANDIDATES TO FILL THE CITY'S VACANT CITY MANAGER POSITION.

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.087, TEX. GOV'T CODE (CONSULTATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS) AND SEC. 551.071(2) (CONSULTATIONS WITH ATTORNEY) TO DISCUSS AND TAKE POSSIBLE ACTION REGARDING ECONOMIC DEVELOPMENT INFORMATION THE CITY COUNCIL HAS RECEIVED FROM BUSINESS PROSPECTS THE CITY COUNCIL SEEKS TO HAVE LOCATE IN OR NEAR THE TERRITORY OF THE CITY OF KYLE.

Council Member Wilson moved to Convene into executive session at 8:45 p.m. pursuant to Tex. Gov't Code Sec. 551.074 (Personnel) and Sec. 551.071(2) (Consultations with Attorney) to discuss and take possible action regarding an update by SGR consultants on the search for candidates to fill the city's vacant city manager position, and Convene into executive session pursuant to Section 551.087, Tex. Gov't Code (Consultations regarding economic development negotiations) and Sec. 551.071(2) (Consultations with Attorney) to discuss and take possible action regarding economic development information the city council has received from business prospects the city council seeks to have locate in or near the territory of the City of Kyle. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 6-0.

RECONVENE INTO REGULAR SESSION TO DISCUSS AND TAKE POSSIBLE ACTION REGARDING AN UPDATE BY SGR CONSULTANTS ON THE SEARCH FOR CANDIDATES TO FILL THE CITY'S VACANT CITY MANAGER POSITION.

RECONVENE INTO REGULAR SESSION TO DISCUSS AND TAKE POSSIBLE ACTION REGARDING ECONOMIC DEVELOPMENT INFORMATION THE CITY COUNCIL HAS RECEIVED FROM BUSINESS PROSPECTS THE CITY COUNCIL SEEKS TO HAVE LOCATE IN OR NEAR THE TERRITORY OF THE CITY OF KYLE, AND IF APPROPRIATE, TO DIRECT THE CITY ATTORNEY TO NEGOTIATE DEVELOPMENT INCENTIVE AGREEMENTS AND OTHER RELEVANT DOCUMENTS WITH THE BUSINESS PROSPECTS.

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Mayor Pro Tem Hervol moved to Reconvene into regular session at 9:50 p.m. to discuss and take possible action regarding an update by SGR consultants on the search for candidates to fill the city's vacant city manager position. Council Member Swaton seconds the motion. All votes aye. Motion carried 6-0.

Mayor Pro Tem Hervol stated no action was taken on this item in Executive Session.

Mayor Pro Tem Hervol moved to Reconvene into regular session at 9:50 p. m. to discuss and take possible action regarding economic development information the city council has received from business prospects the city council seeks to have locate in or near the territory of the City of Kyle, and if appropriate, to direct the city attorney to negotiate development incentive agreements and other relevant documents with the business prospects. Council Member Swaton seconds the motion. All votes aye. Motion carried 6-0.

Mayor Pro Tem Hervol moved to direct staff to negotiate an economic development agreement as authorized under the local government code. Council Member Swaton seconds the motion. All votes aye. Motion carried 6-0.

GENERAL DISCUSSION

DISCUSS AND TAKE POSSIBLE ACTION REGARDING AN ORDINANCE ADDRESSING CITY COMMITTEES AND DIRECTING STAFF TO DRAFT RESOLUTIONS APPLICABLE TO CITY COMMITTEES. ~ KEN JOHNSON, CITY ATTORNEY

Mayor Webster moved to table discussion and possible action regarding an ordinance addressing city committees and directing staff to draft resolutions applicable to city committees. Council Member Selbera 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 ~ *JAMES EARP, ACTING CITY MANAGER*

- 2015 Park Projects Status

Acting City Manager James Earp highlighted some of the work on Steeplechase, Waterleaf and Gregg Clark parks, such as bringing in some heavy equipment to level the baseball and football and soccer fields with work already in progress.

Mr. Earp spoke about a technology project he was working on and better way to manage committees submitted by citizens, with a more professional and better video streaming of council meetings time saving on preparation of the meeting minutes.

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Mr. Earp stated a weather station had been installed at the Public Works facility as approved in the budget that could be accessed on the city website or Smartphone, and spoke of a management tool for reporting things in the community that need attention.

Mr. Earp reminded Council of upcoming meetings: November 10, 2014 at 7:00 p.m. Council meeting with Ron Hollifield of SGR to review City Manager candidates. November 15, 2014 at 8:00 a.m. to conduct City Manager interviews.

ADJOURN

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

The City Council meeting adjourned at 10:22 p.m.

R. Todd Webster, Mayor

Amelia Sanchez, City Secretary