

[Agenda](#)[Minutes](#)[Close](#)

# CITY OF KYLE



## Notice of Regular City Council Meeting

KYLE CITY HALL  
100 W. Center Street

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on 12/2/2014, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 26th day of November, 2014 prior to 7:00 p.m.

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### I. Call Meeting To Order

### II. Approval of Minutes

1. City Council Special Called Meeting - November 15, 2014 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

2. City Council Regular Meeting - November 18, 2014 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

### III. Citizen Comment Period With City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

### IV. Presentation

3. Recognition of the 6th graduating class of the Kyle Citizen's Police Academy ~ *Jeff Barnett, Chief of Police*

- Chase Breed
- Frederick Cariaga
- Brandon Conn
- Melissa Cortes
- Dex Ellison
- Oscar Escobedo
- Susie Ferrell
- John Frank
- Krista Gooding
- Lisa Guevara
- Nicholas Harris
- Timothy Kay
- Rae Knobel
- Patricia Ortman
- Jeremy Penney
- Jana Wybo

 [Attachments](#)

## V. Appointments

4. Consider and take possible action to appoint the named nominated individuals for designated terms to the Kyle Area Youth Advisory Council.  
~ Sarah Watson, KAYAC Staff Liaison

- Supreme Hinton, 12th grade, Lehman High School (new appointment to two year term)
- Alexis Denen, 9th grade, Lehman High School (new appointment to two year term)
- Nathaniel Garcia, 9th grade, Lehman High School (new appointment to two year term)
- Jonathan Lopez, 11th grade, Hays High School (new appointment to two year term)
- Robert Brown, 11th grade, Hays High School (new appointment to two year term)
- Ryan Leal, 9th grade, Hays High School (new appointment to two year term)
- Alex Moore, 10th grade, Hays High School (new appointment to two year term)
- Hanna Malott, 10th grade, Hays High School (new appointment to two year term)

 [Attachments](#)

## VI. Consent Agenda

5. Approve Supplement No. 1 to FREESE & NICHOLS, INC., Austin, Texas, for North Burleson Street in an amount not to exceed \$120,722.00 for the



purpose of providing right-of-way services and documentation for the acquisition of up to 10 parcels or slope easements along the project corridor from Miller Street to IH 35 Southbound Frontage Road. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

6. Authorize a purchase order to OUTDOOR WATER SOLUTIONS, INC., Springdale, Arkansas, in an amount not to exceed \$7,600.00 for the purchase and shipping of materials to aerate Lake Kyle as a continuation of the Lake Kyle Fisheries Management Plan for the Parks and Recreation Department and to direct the City Manager to bring a budget amendment at a future date for City Council's authorization to appropriate funding for this expenditure in the Park Development Fund. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

*The Parks and Recreation Committee voted 6-0 on October 27, 2014, to recommend this funding.*

 [Attachments](#)

7. Accept a \$4,000.00 donation from the Austin Fly Fishing Club to aerate Lake Kyle as a continuation of the Lake Kyle Fisheries Management Plan for the Parks and Recreation Department. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

8. Approve execution of the second year of a three-year contract with PYRO SHOWS OF TEXAS, Fort Worth, Texas, and authorize a purchase order in an amount not to exceed \$18,500.00, for the 2015 July 4th Independence Day Celebration fireworks show. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

9. Authorize a purchase order to DEERSKIN MFG. INC., Springtown, Texas, in an amount not to exceed \$20,948.00 for the purchase of one (1) six-compartment animal control chassis mount to include installation for the Animal Control Division of the Kyle Police Department. ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

10. Authorize a purchase order to BLUEBONNET MOTORS, INC., New Braunfels, Texas, a contracted member of the LCRA buy board, in an amount not to exceed \$90,658.97 for the purchase of a new Ford F550

diesel hydraulic work truck with crane for the Public Works Department. ~ *Harper Wilder, Director of Public Works*

 [Attachments](#)

11. Award a 3-year contract to TEXAS TANK SERVICES, Tyler, Texas, in an amount not to exceed \$13,650.00 or \$4,550.00 per year for in-service water storage tank inspection services, mandated by TCEQ, of all city-owned water storage tanks, for calendar years 2015 through 2017. ~ *Harper Wilder, Director of Public Works*

 [Attachments](#)

12. Authorize a purchase order to RDO EQUIPMENT COMPANY, Pflugerville, Texas, a contracted member of Buy Board, in an amount not to exceed \$59,834.44 for the purchase of a new John Deere 35 G Mini Excavator with attachments for the Public Works Department. ~ *Harper Wilder, Director of Public Works*

 [Attachments](#)

13. (*Second Reading*) An ordinance of the City of Kyle, Texas, amending the Code of Ordinances of the City of Kyle, Appendix "A" (Fee Schedule), to set certain fees for public use of the Kyle Public Library Burdine and Jack Johnson Wing meeting room; providing a severability clause; finding and determining 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. ~ *Connie Brooks, Director of Kyle Public Library*

 [Attachments](#)

14. (*Second Reading*) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2014-15 by increasing total appropriations for expenditures by \$114,600; General Fund by \$95,800 and the Utility Fund by \$18,800 and decreasing fund balance by the same amounts in the General Fund and the Utility Fund respectively for payment of fine to Texas Commission on Environmental Quality (TCEQ) and for implementation of technology improvements for the City's information systems. ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

15. Authorize the execution of a grant contract between the Office of the Attorney General (OAG) and Kyle Police Department (Grantee) for the acceptance of grant funds not to exceed an amount of \$17,380 for the purchase of computer hardware and software equipment that support the



United States Department of Justice Programs, the Office of Juvenile and Delinquency Prevention, and Internet Crimes Against Children Task Force Program (ICAC) as they seek to maintain and expand State and Regional ICAC task forces to address technology-facilitated child exploitation. ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

## VII. Consider and Possible Action

16. Consider and take possible action to select a consultant to conduct the Five Year Economic Development Strategic Plan & Target Market Study in the amount of \$74,490 and direct the City Manager to bring a budget amendment at a future date in order to provide full funding for the study. ~ *Diana Torres, Director of Economic Development*

 [Attachments](#)

17. Consider and take action to provide direction to staff regarding Freese and Nichols, Inc., Austin, Texas, performing additional coordination for the possible addition of a right turn lane at Burleson and Center Street. ~ *Leon Barba, P. E., City Engineer*

 [Attachments](#)

18. Consider and take action to provide direction to staff regarding Freese and Nichols, Inc., Austin, Texas, performing an additional drainage study for areas contributing runoff to North Burleson road and the City's open channel in the vicinity of St. Anthony's Street. ~ *Leon Barba, P. E., City Engineer*

 [Attachments](#)

19. Consider and take possible action on a request by Mayra and Matias Garcia, 5120 Dacy Lane, for the purpose of granting an exception from City Code, Chapter 41, Section 41-82(e)(2) (minimum width at the front property line of 130 feet) for the purpose of dividing the Garcia property into two lots. ~ *Manuel De La Rosa, Director of Planning*

*Planning and Zoning Commission voted 5-0 to recommend approval for the exception.*

### • PUBLIC HEARING

 [Attachments](#)

20. Consider and approve a Resolution adopting the City of Kyle's updated Investment Policy as proposed by the City's Investment Advisor First Southwest Asset Management, Inc. ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

### **VIII. City Managers Report**

21. Update on various capital improvement projects, road projects, building program, and/or general operational activities. ~ *James R. Earp, CPM, Acting City Manager*

- Employee Appreciation and Awards Banquet

 [Attachments](#)

### **IX. Executive Session**

22. Convene into executive session pursuant to Sec. 551.074 (Personnel Matters) and Sec. 551.071(2) (Consultation with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Gov't Code) to deliberate to take possible action to execute an employment contract with and appoint Scott Sellers as the city manager.

 [Attachments](#)

23. Convene into executive session pursuant to Section 551.071, Tex. Gov't Code (Consultation with attorney regarding pending litigation) concerning Cause No.13-0894, *Aqua Operations, Inc. v. City of Kyle*.

 [Attachments](#)

24. Reconvene into regular session to discuss and take possible action to execute an employment contract with and appoint Scott Sellers as the city manager.

 [Attachments](#)

25. Reconvene into regular session to discuss and take possible action regarding pending litigation, specifically Cause No. 13-0894 *Aqua Operations, Inc. v. City of Kyle*.

 [Attachments](#)

**X. ADJOURN**

*At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held*

\*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC.551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.