

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on February 3, 2015, at 7:00 p.m. at Kyle City Hall, with the following persons present:

Mayor Todd Webster	Jo Ann Zimmerman
Mayor Pro Tem Diane Hervol	Demi Overton
Council Member Samantha LeMense	Debra Britt
Council Member Becky Selbera	
Council Member Tammy Swaton	
Council Member Shane Arabie	
Council Member David Wilson	
City Manager Scott Sellers	
James Earp, Assistant City Manager	
Ken Johnson, City Attorney	
Perwez Moheet, Finance Director	
Jerry Hendrix, Chief of Staff	
Leon Barba, City Engineer	
Debbie Guerra, Planning Technician	
Robert Olvera, IT	
Chief Jeff 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 LeMense, Council Member Selbera . Council Member Swaton, Council Member Arabie, Council Member Wilson were in the building and arriving shortly. Honorary Member James Collins arrived at 7:10 p.m.

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 N 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.

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Mayor Webster opened the Citizens Comments at 7:02 p.m. JoAnn Zimmerman spoke and stated she was present to speak on items 12 and 13 on rezoning. She stated she was representing several residents of the subdivision and wanted to thank Council Member Swaton for meeting with them. She stated that many of the residents she heard from wanted an additional access point for the subdivision and not a swing gate, and feared that a large vehicle could break through a gate. Ms. Zimmerman read an email she received from a resident, Marta Ortiz, who wrote that she was a resident at the end on this proposed exit and was very concerned about a keyed gated and that a real gate is a must, and asked the Council to keep in mind that this is a family oriented subdivision. Tammy Overton spoke and stated she owned a business downtown and on Saturday and Sunday mornings there is trash, beer bottles, cans and cigarette butts and she had concerns about broken glass and someone getting hurt. She asked if Council could do something about this. Debra Britt spoke and stated she and Ms. Zimmerman did meet with Council Member Swaton that she was very helpful but wanted to reiterate that they really needed an additional exit in the subdivision. With no one else wishing to speak Mayor Webster closed staff and that Citizens Comments at 7:06 p.m.

Council Member Wilson joined the meeting at 7:08 p.m.

APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING - JANUARY 20, 2015 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Council Member Selbera moved to approve the City Council Regular Meeting - January 20, 2015. Council Member LeMense seconds the motion. All aye. Motion carried 5-0.

Council Member Swaton joined the meeting at 7:09 p.m.

Council Member Arabie joined the meeting at 7:10 p.m.

APPOINTMENTS

NOMINATE AND APPOINT QUALIFIED VOTER(S) TO THE CHARTER REVIEW COMMISSION. ~ *R. TODD WEBSTER, MAYOR*

- Kent A. Sheckler ~ *Council Member Shane Arabie*
- Paula Alvarez ~ *Council Member Becky Selbera*
- Jo Fenety ~ *Mayor Pro Tem Diane Hervol*
- Cicely Kay ~ *Council Member Samantha LeMense*

Council Member LeMense moved to table this item until the next meeting. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 7-0.

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CONSENT AGENDA

APPROVE A RESOLUTION ACCEPTING BUNTON CREEK SUBDIVISION, PHASE 6B IMPROVEMENTS. ~ LEON BARBA, P.E., CITY ENGINEER

APPROVE A RESOLUTION ACCEPTING MEADOWS AT KYLE PHASE 2 IMPROVEMENTS. ~ LEON BARBA, P.E., CITY ENGINEER

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 2 ACRES OF LAND FROM AGRICULTURE 'AG' TO RETAIL SERVICE DISTRICT 'RS', ON PROPERTY LOCATED AT 1300 DACY LANE, LOT 13A, IN HAYS COUNTY, TEXAS. (ROBERTO VILLANUEVA - Z-14-021). ~ DEBBIE GUERRA, PLANNING TECHNICIAN

AWARD A CONTRACT IN AN AMOUNT NOT TO EXCEED \$210,500.00 TO TRI-STATE COATINGS, WADENA, MN, LOWEST AND MOST RESPONSIBLE BIDDER, TO PERFORM ALL WORK REQUIRED FOR THE ROLAND LANE ELEVATED TANK REHABILITATION. ~ LEON BARBA, P.E., CITY ENGINEER

APPROVE A RESOLUTION IN SUPPORT OF THE GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) TO APPLY FOR A FLOOD PROTECTION PLANNING GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD. ~ LEON BARBA, P.E., CITY ENGINEER

Council Member LeMense moved to approve Consent Agenda Items #3 ~ Approve a resolution accepting Bunton Creek Subdivision, Phase 6B improvements; #4 ~ Approve a resolution accepting Meadows at Kyle Phase 2 improvements; #5 ~ (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 2 acres of land from Agriculture 'AG' to Retail Service District 'RS', on property located at 1300 Dacy Lane, Lot 13A, in Hays County, Texas. (Roberto Villanueva - Z-14-021); #6 ~ Award a contract in an amount not to exceed \$210,500.00 to TRI-STATE COATINGS, Wadena, MN, lowest and most responsible bidder, to perform all work required for the Roland Lane elevated tank rehabilitation; #7 ~ Approve a resolution in support of the Guadalupe-Blanco River Authority (GBRA) to apply for a flood protection planning grant from the Texas Water Development Board. Council Member Selbera seconds the motion. All aye. Motion carried 7-0.

CONSIDER AND POSSIBLE ACTION

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(FIRST READING) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ORDERING THE MAY 9, 2015 GENERAL ELECTION AND ESTABLISHING THE PROCEDURES THEREOF; PROVIDING NOTICE OF THE ELECTION; PROVIDING FOR THE HAYS COUNTY ELECTIONS OFFICER TO CONDUCT THE ELECTION; PROVIDING FOR EARLY VOTING; DESIGNATING POLLING PLACES; PROVIDING FOR A JOINT ELECTION; PROVIDING FOR THE APPOINTMENT OF PRESIDING JUDGES, ALTERNATE PRESIDING JUDGES AND CLERKS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO. ~ *AMELIA SANCHEZ, CITY SECRETARY*

Mayor Pro Tem Hervol moved to approve (*First Reading*) An ordinance of the City of Kyle, Texas, ordering the May 9, 2015 general election and establishing the procedures thereof; providing notice of the election; providing for the Hays County Elections Officer to conduct the election; providing for early voting; designating polling places; providing for a joint election; providing for the appointment of presiding judges, alternate presiding judges and clerks. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

CONSIDER AND TAKE POSSIBLE ACTION TO EXECUTE AN AGREEMENT IN AN ESTIMATED AMOUNT OF \$4,121.70, WITH THE HAYS COUNTY ELECTIONS OFFICER FOR ELECTION SERVICES RELATING TO THE MAY 9, 2015 CITY ELECTION . ~ *AMELIA SANCHEZ, CITY SECRETARY*

Council Member Wilson moved to approve an agreement in an estimated amount of \$4,121.70, with the Hays County Elections Officer for election services relating to the May 9, 2015 city election. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

CONSIDER AND TAKE POSSIBLE ACTION TO EXECUTE AN AGREEMENT BETWEEN HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CITY TO HOLD A JOINT ELECTION IN CERTAIN VOTING PRECINCTS FOR THE MAY 9, 2015 ELECTION. ~ *AMELIA SANCHEZ, CITY SECRETARY*

Mayor Pro Tem Hervol moved to execute an agreement between Hays Consolidated Independent School District and the city to hold a joint election in certain voting precincts for the May 9, 2015 election. Council Member Arabie seconds the motion. All aye. Motion carried 7-0.

APPROVE CONTRACT SUPPLEMENT NO. 3 TO FREESE & NICHOLS, INC., AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$110,273.00 FOR THE PURPOSE OF PROVIDING ADDITIONAL UTILITY ENGINEERING SERVICES FOR N. BURLESON ROAD. ~ *LEON BARBA, P.E., CITY ENGINEER*

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Mayor Pro Tem Hervol moved to approve contract Supplement No. 3 to FREESE & NICHOLS, INC., Austin, Texas, in an amount not to exceed \$110,273.00 for the purpose of providing additional utility engineering services for N. Burleson Road. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 4 ACRES OF LAND FROM AGRICULTURE 'AG' TO RETAIL SERVICE DISTRICT 'RS', ON PROPERTY LOCATED AT 1433 GOFORTH ROAD, IN HAYS COUNTY, TEXAS. (ALFONS FAJKUS - Z-14-018) ~ *DEBBIE GUERRA, PLANNING TECHNICIAN*

The City Council previously voted 7-0 to approve the request

Council Member Swaton asked if items 12 and 13 could be opened at the same time. Mayor Webster asked the City Attorney and he responded it would be fine as long as 2 separate votes were taken.

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 1.001 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL - 2 'R-1-2' TO RETAIL SERVICE DISTRICT 'RS' ON PROPERTY LOCATED AT 1435 GOFORTH ROAD, IN HAYS COUNTY, TEXAS. (EAST CANNON PARTNERS, INC. Z-14-019) ~ *DEBBIE GUERRA, PLANNING TECHNICIAN*

The City Council previously voted 7-0 to approve the request

Council Member Arabie moved to approve *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 4 acres of land from Agriculture 'AG' to Retail Service District 'RS', on property located at 1433 Goforth Road, in Hays County, Texas. (Alfons Fajkus - Z-14-018). Council Member Selbera seconds the motion. All aye. Motion carried 7-0.

Council Member LeMense moved to approve *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 1.001 acres of land from Single Family Residential - 2 'R-1-2' to Retail Service District 'RS' on property located at 1435 Goforth Road, in Hays County, Texas. (East Cannon Partners, Inc. Z-14-019). Council Member Arabie seconds the motion. All aye. Motion carried 7-0.

CONSIDER AND TAKE POSSIBLE ACTION TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY AND PLUM CREEK DEVELOPERS, LLC (JOE BROOKS AS AGENT), FOR AN EASEMENT TO EXTEND MARKETPLACE AVENUE AND FOR THE CITY TO PURCHASE IN AN AMOUNT NOT TO EXCEED \$275,000.00 ENGINEERING

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INFORMATION OWNED BY PLUM CREEK DEVELOPERS, LLC. ~ *JAMES R. EARP, ASSISTANT CITY MANAGER*

Mayor Webster moved to repeal the agreement between Plum Creek Development and the City that was approved at the last meeting. Council Member Wilson seconds the motion. Mayor Webster. Mayor Webster stated that the City Attorney had provided the language for the motion and restated the motion. Mayor Webster moved to reconsider and repeal the amended Agreement passed by the City Council on January 20, 2015, and to approve the Substitute Agreement submitted to the City Council at its meeting held on February 3, 2015. Council Member Wilson seconds the motion. All aye. Motion carried 7-0.

GENERAL DISCUSSION

DISCUSSION ONLY REGARDING COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council Member Selbera requested an update on Romero Street.

Mayor Pro Tem Hervol requested an update on the Southside sewer line.

Council Member Arabie requested discussion on conceptual plans and site approval for zoning process.

Council Member Wilson requested discussion on Burn Ban.

Mayor Webster directed staff to bring back the Charter Committee Appointments.

City Manager Scott Sellers informed Council that the Transportation Master Plan would be brought back to Council for discussion and to prepare the Council for that ultimate approval, they had been in conversations with LAN to have a workshop with the City Council as well as the public and would like to involve the engineers who are responsible for the road projects to discuss transportation and the road bond projects. He stated they were looking at dates in March and asked Council to look at their calendars and just wanted to let them know this was coming up as well as a budget retreat also in March.

EXECUTIVE SESSION

CONVENE INTO EXECUTIVE SESSION PURSUANT TO TEX. GOV'T CODE SEC. 551.071 (CONSULTATION WITH ATTORNEY) TO DELIBERATE ON EMPLOYMENT MATTERS.

Mayor Pro Tem Hervol moved to convene into executive session at 8:00 p.m. pursuant to Tex. Gov't Code Sec. 551.071 (Consultation with attorney) to deliberate on employment matters. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

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RECONVENE INTO PUBLIC SESSION REGARDING EMPLOYMENT MATTERS

Mayor Pro Tem Hervol moved to reconvene into public session at 9:11 p.m. regarding employment matters. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

Mayor Pro Tem Hervol stated no action was taken during Executive Session and no action would be taken now.

ADJOURN

With no further business to discuss Mayor Pro Tem Hervol moved to adjourn. Council Member LeMense seconds the motion. All votes aye. Motion carried 7-0.

The City Council meeting adjourned at 9:12 p.m.

R. Todd Webster, Mayor

Amelia Sanchez, City Secretary