

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on July 21, 2015 at 7:00 p.m. at Kyle City Hall, with the following persons present:

Mayor Todd Webster	Dustin Inderman
Mayor Pro Tem Diane Hervol	Penny Krug
Council Member Becky Selbera	Lynn Cohee
Council Member Shane Arabie	Tracy Scheel
Council Member David Wilson	Michele Christie
Council Member Damon Fogley	Mike Wilson
Scott Sellers, City Manager	Mike Fulton
James Earp, Assistant City Manager	Dan Ryan
Cody Faulk, City Attorney	Sylvia Gallo
Diana Blank, Director of Economic Development	
Howard Koontz, Planning Director	
Leon Barba, City Engineer	
Harper Wilder, Public Works Director	
Danielle Harvey, IT	
Jeff Barnett, Chief of Police	

CALL MEETING TO ORDER

Mayor Webster called the meeting to order at 7:07 p.m.

ROLL CALL

Mayor Webster called for roll call. Present were Mayor Webster, Council Member Hervol, Council Member Selbera, Council Member Arabie, Mayor Pro Tem Wilson, and Council Member Fogley,

Mayor Webster stated that Council Member Daphne Tenorio was absent attending to a family matter. Mayor Pro Tem David Wilson moved to excuse Council Member Daphne Tenorio's absence. Council Member Arabie seconds the motion. All aye. Motion carried 6-0.

APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING – JULY 7, 2015 ~ AMELIA SANCHEZ, CITY SECRETARY

Council Member Hervol moved to approve the minutes of the City Council Regular Meeting – July 7, 2015. Council Member Fogley seconds the motion. All aye. Motion carried 6-0.

CITIZEN COMMENT PERIOD WITH CITY COUNCIL

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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 7:09 p.m. Mayor Webster called Diana Torres, Economic Development Director for a recognition. Mrs. Torres stated she was recognizing an outgoing Economic Development and Tourism Committee member and called Mr. Dustin Inderman. She stated they wanted to recognize him for his commitment and volunteer work on the committee. Mayor Webster presented him with a plaque and thanked him for his service. Penny Krug spoke about the parking realignment being planned for Burleson Road and stated that there was space for more parking in front of her house and that the city had an easement on their property where more parking could be added to make up for some that were being lost with the realignment. Lynn Cohee spoke about the agenda item regarding roundabouts and that he preferred a traffic light, and felt that a roundabout was not needed at this time and could be more costly. Tracy Scheel, Vice President of the Waterleaf HOA spoke on the agenda item concerning traffic in Waterleaf and the three entrances to the subdivision. She said there was no speed bumps and people sped through this area and asked that something be done to slow down the traffic and add stop signs as well as doing the warrant studies in the subdivision. Michele Christie spoke on the Charter Review Commission and thanked council for appointing these people and that they did a wonderful job. She also spoke against the roundabout and asked the council to consider the safety of the residents. Susan Meckle spoke and thanked council and staff for considering the agreement for wastewater services for Crosswinds and stated it was a step in the right direction for responsible management of water for the Kyle area and asked that it be approved. Mike Wilson spoke in support of the roundabout and about a report on a study done on roundabouts that said when changing from lights to roundabouts there was a 90% reduction in fatalities at those intersections. Dan Ryan spoke on the roundabout item and stated that if designed right and educate people this would be a good thing and be progressive and strongly suggested the roundabouts. Mike Fulton stated he agreed with everything Mike Wilson said because he was very smart on traffic issues. He stated he attended the presentation by TXDOT on roundabouts and they convinced him they were large enough for all vehicles and have a much safer intersection. Sylvia Gallo spoke about the roundabout and was skeptical at first but after becoming more informed she felt it would be a good thing for future growth. With no one else wishing to speak Mayor Webster closed Citizens Comments at 7:05 p.m.

Mayor Webster moved to item #4.

PRESENTATION

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SUBMISSION OF PROPOSED CHARTER AMENDMENTS. ~ *JOE BACON, CHAIRMAN
CHARTER REVIEW COMMISSION*

Joe Bacon, Chairman of the Charter Review Commission gave a brief presentation on the process they followed and the work they felt they accomplished. He handed out their recommendations to the Council and asked them to contact the Commission if they had any questions.

Mayor Webster asked if there were any objections to placing item 5 on the table. No objection made.

PRESENTATION ON DEVELOPMENT AT 225 S. MAIN ST. ~ *Phil Howry*

Mayor Webster stated that this item had been withdrawn at the request of the owner and moved to table the item. Mayor Pro Tem seconds the motion. All aye. Motion carried 6-0.

Mayor Webster moved to item # 21 and asked if there were any objections to placing item 21 on the table. No objection made.

COUNCIL REQUESTED AGENDA ITEMS

REQUEST FOR TRAFFIC WARRANT IN THE WATERLEAF SUBDIVISION. ~ *DAMON
FOGLEY, COUNCIL MEMBER*

Council Member Fogley stated there was concern with speeders in the Waterleaf subdivision that has over a thousand homes and growing fast. He stated while he was on the Safety Committee they were able to conduct a warrant study for a stop sign in Plum Creek at Wetzels and it reduced the speeders in that area without speed bumps or police patrols, prevented accidents and would like a warrant study at the roads mentioned during citizens comments. Mr. Sellers, City Manager stated they would be happy to conduct a warrant study and he had already asked the Police Chief to take the lead on this and the study had actually begun. Council Member Fogley moved to table the item until further information provided after the warrant study. Council Member Selbera seconds the motion. All aye. Motion carried 6-0.

REQUEST FOR COUNCIL RESOLUTION TO SUPPORT A ROUNDABOUT AT FM 1626
AND KOHLERS CROSSING. ~ *SHANE ARABIE, COUNCIL MEMBER*

Mayor Webster moved to item # 22 and asked if there were any objections to placing item 22 on the table. No objection made.

Council Member Arabie stated his support for the roundabout and that a decision needed to be made to send to TXDOT before the deadline set by them for the city's recommendation. After some discussion Mayor Webster stated that it seemed the majority wanted to move forward with

continuing the plan and have staff bring back a resolution and answers to the questions Council had.

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FOLLOW-UP PRESENTATION ON PROPOSED PARKING IMPROVEMENTS ALONG N. BURLESON STREET FROM MILLER STREET TO LOCKHART STREET. ~ *LEON BARBA, CITY ENGINEER*

Mayor Webster moved to item # 6 and asked if there were any objections to placing item 6 on the table. No objection made.

Leon Barba, City Engineer provided a follow-up presentation on other proposals regarding further research for parking spaces along Burleson Road. Council recommended contacting Penny Krug for parking spaces she offered in front of her home that the city had easement on.

Mayor Webster asked if there were any objections to placing Consent Agenda on the table. No objection made.

CONSENT AGENDA

APPROVE CONTRACT TASK ORDER NO. 1 TO HDR ENGINEERING, INC., AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$38,776.00 FOR THE PURPOSE OF PROVIDING ENGINEERING SERVICES FOR REPLACEMENT OF AN EXISTING WASTEWATER LINE UNDER OLD HWY. 81 ~ *LEON BARBA, P.E., CITY ENGINEER*

APPROVE AN AMENDMENT TO TASK ORDER NO. 2 (MORENO ST. SEWER CROSSING) TO NEPTUNE-WILKINSON ASSOCIATES, INC., AUSTIN, TEXAS, IN AN AMOUNT OF \$13,250.00 FOR ADDITIONAL ENGINEERING SERVICES FOR ACQUIRING A PUBLIC WASTEWATER LINE EASEMENT, ACQUISITION OF A TXDOT PERMIT AND EXTENDING THE SCOPE OF THE WORK FOR THE MORENO STREET WASTEWATER IMPROVEMENTS. ~ *LEON BARBA, P.E., CITY ENGINEER*

CONSIDER AND POSSIBLE ACTION REGARDING AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF PARTICIPATION TO HAYS COUNTY FOR THE HAYS COUNTY HAZARD MITIGATION PLAN REQUIRED FOR HAYS COUNTY'S FEMA GRANT APPLICATION; AUTHORIZING THE CITY MANAGER TO APPOINT A REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO THE COUNTY TASK FORCE; AND, DIRECTING A FUTURE BUDGET AMENDMENT TO COVER THE CITY'S PORTION OF LOCAL MATCH EXPECTED NOT TO EXCEED \$10,000. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

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CONSIDER AND POSSIBLE ACTION REGARDING PROPOSED AMENDMENTS TO THE CYPRESS FOREST DEVELOPMENT AGREEMENT. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

APPROVING A CONSENT AND DEVELOPMENT AGREEMENT WITH DEVELOPMENT SOLUTIONS CW FOR CROSSWINDS MUD, REPEALING PREVIOUS AGREEMENTS AND ASSOCIATED ITEMS. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

APPROVAL OF A RETAIL WATER AND WASTEWATER SERVICES AGREEMENT BETWEEN THE CITY OF KYLE AND CROSSWINDS MUNICIPAL UTILITY DISTRICT. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

CONSIDER AND POSSIBLE ACTION APPROVING AN AGREEMENT BETWEEN THE CITY OF KYLE, TEXAS AND COUNTY LINE SPECIAL UTILITY DISTRICT IN RELATION TO TRANSFERRING 640 ACRES FROM COUNTY LINE CCN TO CITY OF KYLE, AND ESTABLISHING A FEE TO BE COLLECTED FROM THE AFFECTED PROPERTY AS DEVELOPED AND PAID TO COUNTY LINE. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Hervol asked to pull items # 10, 11, 12, and 13 from Consent.

Mayor Pro Tem Wilson moved to approve Consent Agenda items #7 ~ Approve contract Task Order No. 1 to HDR ENGINEERING, INC., Austin, Texas, in an amount not to exceed \$38,776.00 for the purpose of providing engineering services for replacement of an existing wastewater line under Old Hwy. 81; #8 ~ Approve an Amendment to Task Order No. 2 (Moreno St. Sewer Crossing) to NEPTUNE-WILKINSON ASSOCIATES, INC., Austin, Texas, in an amount of \$13,250.00 for additional engineering services for acquiring a public wastewater line easement, acquisition of a TxDOT permit and extending the scope of the work for the Moreno Street Wastewater Improvements; #9 ~ Consider and possible action regarding authorizing the City Manager to execute a letter of participation to Hays County for the Hays County Hazard Mitigation Plan required for Hays County's FEMA grant application; authorizing the City Manager to appoint a representative and alternate representative to the County task force; and, directing a future budget amendment to cover the City's portion of local match expected not to exceed \$10,000. Council Member Hervol seconds the motion. All aye. Motion carried 6-0.

EXECUTIVE SESSION

PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY COUNCIL RESERVES THE RIGHT TO CONVENE INTO EXECUTIVE SESSION(S) FROM TIME TO TIME AS DEEMED NECESSARY DURING THIS MEETING. THE CITY COUNCIL MAY CONVENE INTO EXECUTIVE SESSION PURSUANT TO ANY LAWFUL EXCEPTION CONTAINED IN CHAPTER 551 OF THE TEXAS GOVERNMENT CODE INCLUDING ANY OR ALL OF THE FOLLOWING TOPICS.

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Council Member Hervol moved to convene into Executive Session at 9:15 p.m. pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code on all of the following topics.

Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.

- Wastewater Model
- Aqua litigation update
- Meinzer Lawsuit
- Open Records

Economic Development negotiations pursuant to Section 551.087.

- Economic Development Update
- Deliberate offers of financial or other incentives and economic development negotiations with prospects that the city council seeks to have locate, stay or expand in or near the territory of the City Council

Mayor Pro Tem Wilson seconds the motion. All aye. Motion carried 5-0 with Council Member Selbera off the dais.

TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

Council Member Hervol moved to reconvene into open session at 11:15 p.m. Council Member Arabie seconds the motion. All aye. Motion carried 6-0.

Council Member Hervol stated that no action was taken during Executive Session and none would be taken now.

Mayor Webster moved to item # 10 and asked if there was any objection to placing it on the table. There was no objection.

CONSENT AGENDA

CONSIDER AND POSSIBLE ACTION REGARDING PROPOSED AMENDMENTS TO THE CYPRESS FOREST DEVELOPMENT AGREEMENT. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Hervol moved to approve the proposed amendments to the Cypress Forest Development Agreement. Mayor Pro Tem Wilson seconds the motion. All aye. Motion carried 6-0.

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Mayor Webster asked if there was any objection to placing item 11 on the table. There was no objection.

APPROVING A CONSENT AND DEVELOPMENT AGREEMENT WITH DEVELOPMENT SOLUTIONS CW FOR CROSSWINDS MUD, REPEALING PREVIOUS AGREEMENTS AND ASSOCIATED ITEMS. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Herval moved to approve a Consent and Development Agreement with Development Solutions CW for Crosswinds MUD, repealing previous agreements and associated items. Mayor Pro Tem Wilson seconds the motion. All aye. Motion carried 6-0.

Mayor Webster asked if there was any objection to placing item 12 on the table. There was no objection.

APPROVAL OF A RETAIL WATER AND WASTEWATER SERVICES AGREEMENT BETWEEN THE CITY OF KYLE AND CROSSWINDS MUNICIPAL UTILITY DISTRICT. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Herval moved to approve a Retail Water and Wastewater Services Agreement between the City of Kyle and Crosswinds Municipal Utility District. Mayor Pro Tem Wilson seconds the motion. All aye. Motion carried 6-0.

Mayor Webster asked if there was any objection to placing item 13 on the table. There was no objection.

CONSIDER AND POSSIBLE ACTION APPROVING AN AGREEMENT BETWEEN THE CITY OF KYLE, TEXAS AND COUNTY LINE SPECIAL UTILITY DISTRICT IN RELATION TO TRANSFERRING 640 ACRES FROM COUNTY LINE CCN TO CITY OF KYLE, AND ESTABLISHING A FEE TO BE COLLECTED FROM THE AFFECTED PROPERTY AS DEVELOPED AND PAID TO COUNTY LINE. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Herval moved to approve an agreement between the City of Kyle, Texas and County Line Special Utility District in relation to transferring 640 acres from County Line CCN to City of Kyle, and establishing a fee to be collected from the affected property as developed and paid to County Line. Mayor Pro Tem Wilson seconds the motion. All aye. Motion carried 6-0.

CONSIDER AND POSSIBLE ACTION

Mayor Webster asked if there was any objection to placing item 14 on the table. There was no objection.

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(FIRST READING) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 5.125 ACRES OF LAND FROM AGRICULTURE “AG” TO RETAIL SERVICE DISTRICT “RS”, ON PROPERTY LOCATED AT 400 E. RR 150, IN HAYS COUNTY, TEXAS. (MNT & S DEVELOPMENT, LTD, Z-15-006). ~ *HOWARD J. KOONTZ, AICP, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

PUBLIC HEARING

Mayor Webster opened the Public Hearing at 11:19 p.m. to hear comments on an ordinance amending Chapter 53 for the purpose of assigning original zoning to approximately 5.125 acres from AG to RS. With no one wishing to speak Mayor Webster closed the Public Hearing at 11:19 p.m.

Council Member Hervol moved to approve *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 5.125 acres of land from Agriculture “AG” to Retail Service District “RS”, on property located at 400 E. RR 150, in Hays County, Texas. (MNT & S Development, LTD, Z-15-006). Council Member Fogley seconds the motion. All aye. Motion carried 6-0.

Mayor Webster asked if there was any objection to placing item 15 on the table. There was no objection.

A RESOLUTION TO PROVIDE FOR THE POSSIBLE EXTENSION OF THE KYLE MUNICIPAL BOUNDARIES BY THE ANNEXATION OF APPROXIMATELY 135.78 ACRES; SETTING THE DATES AND TIMES OF TWO PUBLIC HEARINGS FOR THE PURPOSE OF ANNEXING PROPERTY AND SETTING AN EFFECTIVE DATE. ~ *HOWARD J. KOONTZ, AICP, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT*

Council Member Hervol moved to approve a Resolution to provide for the possible extension of the Kyle municipal boundaries by the annexation of approximately 135.78 acres; setting the dates and times of two public hearings for the purpose of annexing property and setting an effective date. Mayor Pro Tem Wilson seconds the motion. All aye. Motion carried 6-0.

COUNCIL REQUESTED AGENDA ITEMS

DISCUSSION CONCERNING FREQUENCY OF CITY COUNCIL REQUESTS FOR STAFF REPORTS AND DIRECTION GIVEN TO CITY STAFF. ~ *TODD WEBSTER, MAYOR*

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CONSIDER AND TAKE POSSIBLE ACTION TO AMEND, EXTEND, OR RESCIND THE ILA WITH MOUNTAIN CITY AND HAYS COUNTY. ~ *TODD WEBSTER*,

OVERVIEW OF CITY'S SHARE OF COSTS FOR PHASE I WATER SUPPLY ASSOCIATED CAPITAL IMPROVEMENT PROJECTS PLANNED TO BE INCURRED BY THE HAYS CALDWELL PUBLIC UTILITY AGENCY (HCPUA) DURING FISCAL YEARS 2016 THROUGH 2020. ~ *DAPHNE TENORIO, COUNCIL MEMBER*

STATUS REPORT ON SOUTHSIDE WASTEWATER LINE CAPITAL IMPROVEMENT PROJECT. ~ *DIANE HERVOL, COUNCIL MEMBER*

STATUS REPORT ON ALL FIVE ROAD BOND PROJECTS INCLUDING LATEST PROJECT COST ESTIMATES. ~ *DAPHNE TENORIO, COUNCIL MEMBER*

DISCUSSION ON ELECTRONIC DEVICE POLICY. ~ *TODD WEBSTER, MAYOR*

DISCUSSION REGARDING SETTING AGENDA REVIEW WORKSHOP MEETINGS. ~ *DIANE HERVOL, COUNCIL MEMBER*

UPDATE ON GOFORTH ROAD REPAIRS. ~ *DAPHNE TENORIO, COUNCIL MEMBER*

Council Member Hervol moved to table items # 16, 17, 18, 19, 20, 23, 24, and 25.

Mayor Webster stated that first did anyone have any objections to putting items 16 through 25 on the table for discussion. There was an objection by Council Member Fogley on item 23 and he stated that was going to be discussed. Mayor Webster stated he was fine with tabling this item.

Council Member Hervol moved to table items # 16, 17, 18, 19, 20, 23, 24, and 25. Mayor Pro Tem Wilson 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. ~ *J. SCOTT SELLERS, CITY MANAGER*

- Budget Calendar

Mr. Sellers, City Manager stated that the budget calendar was before them and wanted to make sure they had all the upcoming meeting dates on the calendar with the budget being provided on July 27.

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GENERAL DISCUSSION

Mayor Webster asked if there was any objection to placing item 27 on the table. There was no objection.

DISCUSSION ONLY REGARDING COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Discussion related to HOA meeting with Silverado related to traffic calming devices on speed for the second meeting in August.

Mayor Webster asked the ILA not be put back on the agenda until further notice.

ADJOURN

With no further business to discuss, Mayor Pro Tem Wilson moves to adjourn. Council Member Fogley seconds the motion. All votes aye. Motion carried 6-0.

The City Council meeting adjourned at 11:30 p.m.

R. Todd Webster, Mayor

Attest: Amelia Sanchez, City Secretary