

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on August 4, 2015 at 7:00 p.m. at Kyle City Hall, with the following persons present:

Mayor Todd Webster	James Kohler
Council Member Diane Hervol	Sarah Rich
Council Member Becky Selbera	Sharee Aery
Council Member Shane Arabie	
Mayor Pro Tem David Wilson	
Council Member Damon Fogley	
Council Member Tenorio	
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Jerry Hendrix, Chief of Staff	
Kerry Urbanowicz, Parks Director	
Mario Perez, Building Official	
Cody Faulk, City Attorney	
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 7:00 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, Council Member Fogley, and Council Member Tenorio

APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING – JULY 21, 2015 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL WORKSHOP MEETING - JULY 21, 2015 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Council Member Hervol moved to approve the minutes of the City Council Regular Meeting – July 21, 2015, and City Council Workshop Meeting - July 21, 2015. Council Member Arabie seconds the motion. All aye. Motion carried 7-0.

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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 7:02 p.m. Constable James Kohler spoke against the proposed roundabout at Kohlers Crossing and 1626 and stated that it needed to go before the voters and because it was not safe especially for the school buses. Sarah Rich founder of Go Gold Global and Jullian Findhal spoke about Childhood Cancer Awareness and asked the Council to proclaim September Childhood Cancer Awareness month as other cities were doing. Kerry Urbanowicz recognized outgoing Jim Hough from the Parks Board and presented him with an award. Sharee Aery spoke about trailers, boats and campers parked in the street at her subdivision and with no HOA and some homes being rental properties and asked the Council to expand the existing ordinance for commercial vehicles to include personal non-motorized trailers and boats. With no one else wishing to speak Mayor Webster closed Citizens Comments at 7:15 p.m.

PRESENTATION

KAYAC "YEAR IN REVIEW" PRESENTATION. ~ TERRAH FRIESENHAHN (CHAIR) AND JAMES COLLINS (VICE CHAIR)

Terrah Friesenhan and James Collins provided a brief presentation on KAYAC activities, workshops, accomplishments and projects. She stated that they were very involved in the community, doing food drives and Christmas projects. Several members were in attendance. James Collins spoke on their continued work on the e-cigarette ordinance passed by the Council last year to ban the use and sale of these to minors.

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

PRESENTATION ON SUMMARIZED FINDINGS FROM EXISTING STUDIES ON ELECTRONIC BILLBOARDS RELATED TO DRIVER DISTRACTION AND REVIEW OF METHODS USED FOR THE STUDY OF DISTRACTION DUE TO ELECTRONIC BILLBOARD PRESENCE. ~ MARIO PEREZ, BUILDING OFFICIAL

Mario Perez, Building Official presented 3 studies done on driver distraction related to electronic billboards. He provided a study by the Federal Highway Administration, a Swedish Study and a Virginia Tech Study. Discussion only.

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

PRESENTATION REGARDING THE NEWLY PROPOSED U.S. EPA REGULATIONS FOR OZONE.
~ *FRED BLOOD, AIR QUALITY PROGRAM SPECIALIST, CENTRAL TEXAS CLEAN AIR COALITION*

Fred Blood, Air Quality Program Specialist, Central Texas Clean Air Coalition provided a presentation regarding the newly proposed U.S. EPA regulations for ozone.

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

DISCUSSION OF LAND USE, POLICIES AND EFFECTIVE STRATEGIES FOR ATTRACTING QUALITY DEVELOPMENT ON THE I-35 CORRIDOR AND QUARTERLY REPORT. ~ *JASON CLAUNCH, PRESIDENT*

Jason Claunch provided a summarization of the work performed identified in the contract with Catalyst Commercial and the City of Kyle and that currently they are in the implementation phase of the project and provided a report on the progress.

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

CONSENT AGENDA

(SECOND 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*

AUTHORIZE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE, AND THE CITY OF SAN MARCOS TO ESTABLISH THE TERMS IN THE INSTALLATION OF GATEWAY MONUMENT SIGNS IN EACH CITY'S JURISDICTION. ~ *J. SCOTT SELLERS, CITY MANAGER*

AUTHORIZE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE, AND THE CITY OF SAN MARCOS TO ESTABLISH THE TERMS IN THE INSTALLATION OF GATEWAY MONUMENT SIGNS IN EACH CITY'S JURISDICTION. ~ *J. SCOTT SELLERS, CITY MANAGER*

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APPROVE SUPPLEMENT NO. 1 TO ENGINEERING SERVICES AGREEMENT WITH K FRIESE & ASSOCIATES, INC., AUSTIN, TEXAS, IN ORDER TO REDUCE THE CONTRACT AMOUNT BY \$44,840.00 AND RELATED SCOPE OF WORK FOR ENGINEERING AND ENVIRONMENTAL SERVICES ASSOCIATED WITH THE MARKETPLACE AVENUE IMPROVEMENT PROJECT. ~ *LEON BARBA, P.E., CITY ENGINEER*

APPROVE SUPPLEMENT NO. 2 TO ENGINEERING SERVICES AGREEMENT WITH HDR ENGINEERING, INC., AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$72,596.00 FOR ADDITIONAL ENGINEERING AND DESIGN SERVICES FOR A DRAINAGE DETENTION POND, A BRIDGE STRUCTURE AT PLUM CREEK, AND FOR WATER LINE RELOCATION ASSOCIATED WITH THE LEHMAN ROAD IMPROVEMENT PROJECT. ~ *LEON BARBA, P.E., CITY ENGINEER*

APPROVE SUPPLEMENT NO. 3 TO ENGINEERING SERVICES AGREEMENT WITH LJA ENGINEERING, INC., AUSTIN, TEXAS, IN ORDER TO MODIFY THE SCOPE OF WORK AND REALLOCATE CONTRACT FUNDING WITHOUT CHANGING THE TOTAL CONTRACT AMOUNT FOR THE BUNTON CREEK ROAD IMPROVEMENT PROJECT. ~ *LEON BARBA, P.E., CITY ENGINEER*

CONSIDER AND POSSIBLE ACTION TO APPROVE FIRST AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT WITH RR HPI, LLP. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Hervol pulls item #8 and Council Member Tenorio pulls #9.

Mayor Pro Tem Wilson moved to approve Consent Agenda items # 7 ~ (*Second 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); #10 ~ Approve Supplement No. 2 to engineering services agreement with HDR ENGINEERING, INC., Austin, Texas, in an amount not to exceed \$72,596.00 for additional engineering and design services for a drainage detention pond, a bridge structure at Plum Creek, and for water line relocation associated with the Lehman Road improvement project; #11 ~ Approve Supplement No. 3 to engineering services agreement with LJA ENGINEERING, INC., Austin, Texas, in order to modify the scope of work and reallocate contract funding without changing the total contract amount for the Bunton Creek Road improvement project; #12 ~ Consider and possible action to Approve First Amendment to Economic Development Agreement with RR HPI, LLP. Council Member Fogley seconds the motion. All aye. Motion carried 7-0.

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Mayor Webster place item #8 on the table with no one objection.

AUTHORIZE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE, AND THE CITY OF SAN MARCOS TO ESTABLISH THE TERMS IN THE INSTALLATION OF GATEWAY MONUMENT SIGNS IN EACH CITY'S JURISDICTION.

Council Member Hervol moved to authorize execution of an interlocal agreement between the City of Kyle, and the City of San Marcos to establish the terms in the installation of gateway monument signs in each city's jurisdiction. Council Member Arabie seconds the motion. All aye. Motion carried 6-0 with Council Member Selbera off the dais.

Mayor Webster place item #9 on the table with no one objection

APPROVE SUPPLEMENT NO. 1 TO ENGINEERING SERVICES AGREEMENT WITH K FRIESE & ASSOCIATES, INC., AUSTIN, TEXAS, IN ORDER TO REDUCE THE CONTRACT AMOUNT BY \$44,840.00 AND RELATED SCOPE OF WORK FOR ENGINEERING AND ENVIRONMENTAL SERVICES ASSOCIATED WITH THE MARKETPLACE AVENUE IMPROVEMENT PROJECT.

Council Member Hervol moved to approve Supplement No. 1 to engineering services agreement with K FRIESE & ASSOCIATES, INC., Austin, Texas, in order to reduce the contract amount by \$44,840.00 and related scope of work for engineering and environmental services associated with the Marketplace Avenue improvement project. Council Member Tenorio seconds the motion. All aye. Motion carried 6-0 with Council Member Selbera off the dais.

CONSIDER AND POSSIBLE ACTION

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

(FIRST READING) AN ORDINANCE OF THE CITY OF KYLE CONTINUING WITH CURFEW FOR MINORS UNDER SEVENTEEN YEARS OF AGE PER SECTIONS 23-23 THROUGH 23-30; ENTITLED TRIENNIAL REVIEW; PROVIDING FOR ENFORCEMENT; ESTABLISHING CRIMINAL PENALTIES; AND SETTING AN EFFECTIVE DATE. ~ JEFF BARNETT, CHIEF OF POLICE

PUBLIC HEARING

Mayor Webster opened the Public Hearing at 8:55 p.m. to hear comments on *(First Reading)* An Ordinance of the City of Kyle continuing with Curfew for Minors under seventeen years of age per Sections 23-23 through 23-30; entitled Triennial Review. With no one wishing to speak Mayor Webster closed the Public Hearing at 8:55 p.m.

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Council Member Hervol moved to approve (*First Reading*) An Ordinance of the City of Kyle continuing with Curfew for Minors under seventeen years of age per Sections 23-23 through 23-30; entitled Triennial Review; Providing for Enforcement; Establishing Criminal Penalties; and Setting an Effective Date. Council Member Selbera seconds the motion. All aye. Motion carried 7-0.

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

(FIRST READING) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING AND REPLACING PROVISIONS OF THE CITY PERSONNEL POLICY; AND PROVIDING FOR RELATED MATTERS. ~ SANDRA DURAN, DIRECTOR OF HUMAN RESOURCES

Mayor Pro Tem Wilson moved to approve (*First Reading*) An Ordinance of the City of Kyle, Texas, Amending and Replacing Provisions of the City Personnel Policy; and Providing for Related Matters. Council Member Arabie seconds the motion. All aye. Motion carried 7-0.

COUNCIL REQUESTED AGENDA ITEMS

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

DISCUSSION AND POSSIBLE ACTION REGARDING FUTURE ORDINANCE AGAINST LARGE TRAILERS AND BOATS BEING PARKED FOR EXTENDED PERIODS OF TIME ON CITY STREETS. ~ DAMON FOGLEY, COUNCIL MEMBER

Discussion led by Council Member Fogley after he had received complaints from citizens about boats and trailers parked in the street and that he wanted to work with Code Enforcement to get the issue resolved. Council directed staff to work on and bring back an ordinance so that Code Enforcement and Police have something to enforce.

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

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

Council Member Tenorio stated that Finance Director Perwez Moheet had provided the financials and had the information she needed.

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

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

Leon Barba, City Engineer gave a brief update on the five road bond projects, bid openings, construction costs and timelines, and that they were working with all the utility companies.

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

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

Council Member Tenorio stated this information was provided and withdrew this item.

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

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

Council Member Hervol stated she had requested this item to possibly shorten the meetings and have more information by contacting staff before the meetings with questions. She stated San Marcos met for one hour on a weekday and that she was willing to adjust her schedule to do that. Discussion followed with Council Members input ranging from unable to be here or change their work schedules to attend. Council Member Tenorio stated she wanted to be informed and get all the information she could before each meeting. Mayor Webster stated he felt discussion should take place during the meeting and not outside of it. Council Member Selbera stated she could not be here and did not have a flexible work schedule, Council Member Arabie stated he studied his agenda and felt he came to the meetings well informed and able to make decisions and that if he had questions he would email staff. Council Member Fogley stated he had a pretty full calendar and this added bureaucracy to what they do and was opposed to it. Cody Faulk, City Attorney stated concern with the pre-meeting discussion of agenda items violating the open meetings act, but what he was hearing was more of an administrative nature and wanting to get information, so they needed to come up with a policy. City Manager Scott Sellers stated it would be best to have questions emailed so that he can send to everyone.

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

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CITY MANAGERS REPORT

UPDATE ON VARIOUS CAPITAL IMPROVEMENT PROJECTS, ROAD PROJECTS, BUILDING PROGRAM, AND/OR GENERAL OPERATIONAL ACTIVITIES. ~ *J. SCOTT SELLERS, CITY MANAGER*

No report.

ADJOURN

With no further business to discuss, Council Member Hervol moves to adjourn. Council Member Selbera seconds the motion. All votes aye. Motion carried 7-0.

The City Council meeting adjourned at 10:38 p.m.

R. Todd Webster, Mayor

Attest: Amelia Sanchez, City Secretary