

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on December 15, 2015 at 7:00 p.m. at Kyle City Hall with the following persons present:

Mayor Todd Webster	Larry Jones
Mayor Pro Tem David Wilson	Ray Bryant, TDS
Council Member Diane Hervol	Rick Fraumann, TDS
Council Member Becky Selbera	
Council Member Shane Arabie	
Council Member Damon Fogley	
Council Member Daphne Tenorio	
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Frank Garza, City Attorney	
Betsy Johnson, City Attorney	
Jerry Hendrix, Chief of Staff	
Leon Barba, City Engineer	
Perwez Moheet, Finance Director	
Robert Olvera, IT Manager	
Andrew Cable, Municipal Judge	
Kerry Urbanowicz, PARD Director	
Howard Koontz, Community Development Director	
Jeff Barnett, Chief of Police	
Harper Wilder, Public Works Director	

I. Call Meeting To Order

Mayor Webster called the meeting to order at 7:02 p.m.

ROLL CALL

Mayor called for roll call. Present were Mayor Todd Webster, Mayor Pro Tem David Wilson, Council Member Diane Hervol, Council Member Shane Arabie, Council Member Damon Fogley, and Council Member Daphne Tenorio. Council Member Becky Selbera took her seat at 7:03 p.m. during Approval of Minutes.

II. Approval of Minutes

1. City Council Regular Meeting - December 1, 2015. ~ Amelia Sanchez, City Secretary

City Council Minutes, 12-1-2015

Council Member Hervol moved to approve City Council Regular Meeting Minutes for December 1, 2015. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

CITY COUNCIL MEETING MINUTES

December 15, 2015 – Page 2

Kyle City Hall

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.

Mayor Webster opened Citizen Comments at 7:05 p.m. Larry Jones spoke on items 18 and 19 and stated the city had been working on the Bunton Creek PID for 2 years and he did not think it was fair that the residents were being billed but did not know where to make payment. He stated that homeowners were not told about this fee at the time they purchased their homes. He stated he would only be in favor of the agreement if it was in favor of the homeowner. Mr. Jones stated he would like to know what is going on, would like for it all to come to an end and have a legitimate place to send payment. As for future PIDs, he said, he hopes the new ordinance has worked all those issues out, and that he is against them.

With no one else wishing to speak, Mayor Webster closed citizen comments at 7:08 p.m.

IV. Presentation

2. Presentation on Texas Disposal Systems Services Review. ~ Ray Bryant, TDS

Cover Sheet - Item 2

Ray Bryant introduced himself as the main contact between the City of Kyle and Disposal Systems. He introduced Rick Fraumann who presented on the current contract and options going forward. No action was taken.

V. Appointments

3. 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

- A. Meghan Murphy
- B. Luke Jackson
- C. Dalton Tristan
- D. Destinee Cabrera
- E. Nate McHale

Cover Sheet - Item 3

With no objection, Mayor Webster placed Item No. 3 on the table.

CITY COUNCIL MEETING MINUTES

December 15, 2015 – Page 3

Kyle City Hall

Council Member Tenorio moved to approve the appointments of Meghan Murphy, Luke Jackson, Dalton Tristan, Destinee Cabrera, and Nate McHale for designated terms to the Kyle Area Youth Advisory Council. Mayor Pro Tem Wilson seconded the motion. All votes aye; motion carried 7-0.

VI. Consent Agenda

Mayor Webster asked if there were any items requested to be pulled from the Consent Agenda. Council Member Hervol asked to pull Item Nos. 5, 10, 11, and 12. Council Member Tenorio asked to pull Item No. 7.

4. Authorize award and execution of a Purchase Order to Bluebonnet Motors, New Braunfels, Texas, in the amount of \$36,688.98 for the purchase of two (2) base model 2016 Ford Escape one each for Engineering Services and Building Inspection Departments through the Lower Colorado River Authority's (LCRA) Cooperative Government Pricing Contract. ~ Leon Barba, P.E., City Engineer and Mario Perez, Building Official

Backup Materials - Item 4

6. Authorize award and execution of a Purchase Order and authorization to execute a contract with Halff Associates, Inc., Austin, Texas, in an amount not to exceed \$45,000 for City of Kyle Parks, Trails and Open Spaces Master Plan. ~ Kerry Urbanowicz, Director of Parks and Recreation Parks Board voted 4-0 to recommend approval on December 7, 2015. (3 absences).

Backup Materials - Item 6

8. Authorize award and execution of a Purchase Order to T.F. Harper & Associates, L.P., Austin, Texas, in an amount not to exceed \$79,500.00 for storm related repairs to various parks in the City and direct City Manager to bring forward a budget amendment to appropriate funds from the Park Development Fund. ~ Kerry Urbanowicz, Director of Parks and Recreation Parks Board voted 4-0 to recommend approval on December 7, 2015. (3 absences).

Backup Materials - Item 8

9. (Second Reading) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning Lot 15 of Kyle Industrial Park (approximately 0.792 acres) from Commercial-2 "C-2" to Warehouse "W" and to assign original zoning to Lot 16 (approximately 1.175 acres) and Lot 17 (approximately 1.05) of Kyle Industrial Park from Agriculture "AG" to Warehouse "W", on property located on Kyle Crossing and south of Kohler's Crossing, in Hays County, Texas. (William R. Holms, Z-14-020). ~ Howard J. Koontz, Director of Planning and Community Development Planning and Zoning Commission voted 6-0 to approve the request on March 24, 2015.

Backup Materials - Item 9

CITY COUNCIL MEETING MINUTES

December 15, 2015 – Page 4

Kyle City Hall

13. Approve a one (1) year Software Maintenance Agreement with New World Systems Corporation, Troy, Michigan, in an amount not to exceed \$57,456.00 for the purpose of providing an additional year of software maintenance support services. ~ Robert Olvera, Systems Administrator

Backup Materials - Item 13

Mayor Pro Tem Wilson moved to approve item numbers 4, 6, 8, 9, and 13 of the Consent Agenda. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

5. Approve renewal of a professional services agreement with Judge Andrew Cable to provide Municipal Court Judge services for a two (2) year period from February 1, 2016 to January 31, 2018 for \$2,500.00 per month. ~ Perwez A. Moheet, CPA, Director of Finance

Backup Materials - Item 5

With no objection, Mayor Webster placed Item No. 5 on the table. Council Member Hervol moved to approve renewal of a professional services agreement with Judge Andrew Cable to provide Municipal Court Judge services for a two (2) year period from February 1, 2016 to January 31, 2018 for \$2,500.00 per month. Council Member Selbera seconded the motion. All votes aye; motion carried 7-0.

7. Authorize award and execution of a Purchase Order to T.F. Harper & Associates, L.P., Austin, Texas, in an amount not to exceed \$144,454.00 for park improvements at Gregg-Clarke Park in the City of Kyle. ~ Kerry Urbanowicz, Director of Parks and Recreation
Parks Board voted 5-0 to recommend approval on October 26, 2015. (2 absences).

Backup Materials - Item 7

With no objection, Mayor Webster placed Item No. 7 on the table.

Council Member Tenorio moved to approve to authorize award and execution of a Purchase Order to T.F. Harper & Associates, L.P., Austin, Texas, in an amount not to exceed \$144,454.00 for park improvements at Gregg-Clarke Park in the City of Kyle.. Mayor Pro Tem Wilson seconded the motion. All votes aye; motion carried 7-0.

10. Ratify an emergency purchase made by the Public Works Department for an emergency sludge removal and vector truck services at the Kyle Wastewater Treatment Plant by Wastewater Transport Services (WWTS), in the amount of \$27,805.31. ~ Harper Wilder, Director of Public Works

Backup Materials - Item 10

With no objection, Mayor Webster placed Item No. 10 on the table.

CITY COUNCIL MEETING MINUTES

December 15, 2015 – Page 5

Kyle City Hall

Council Member Hervol moved to approve to ratify an emergency purchase made by the Public Works Department for an emergency sludge removal and vactor truck services at the Kyle Wastewater Treatment Plant by Wastewater Transport Services (WWTS), in the amount of \$27,805.31. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

11. Authorize award and execution of Purchase Order to Hach, Loveland, Colorado, in an amount not to exceed \$43,688.95, for wastewater monitoring systems at the Kyle Wastewater Treatment Plant that will monitor the quality of the effluent, integrate with existing SCADA system and alert operators to potential issues. ~ Harper Wilder, Director of Public Works

Backup Materials - Item 11

With no objection, Mayor Webster placed Item No. 11 on the table.

Mayor Pro Tem Wilson moved to approve to authorize award and execution of Purchase Order to Hach, Loveland, Colorado, in an amount not to exceed \$43,688.95, for wastewater monitoring systems at the Kyle Wastewater Treatment Plant that will monitor the quality of the effluent, integrate with existing SCADA system and alert operators to potential issues. Council Member Fogley seconded the motion. All votes aye; motion carried 7-0.

12. Authorize award and execution of Purchase Order to Sewer Services of Texas, Conroe, Texas, in an amount not to exceed \$21,000.00, for the necessary cleaning services of debris, gravel, and grit located in one of the main impacted digesters at the Kyle Wastewater Treatment Plant. ~ Harper Wilder, Director of Public Works

Backup Materials - Item 12

With no objection, Mayor Webster placed Item No. 12 on the table.

Mayor Pro Tem Wilson moved to approve to authorize award and execution of Purchase Order to Sewer Services of Texas, Conroe, Texas, in an amount not to exceed \$21,000.00, for the necessary cleaning services of debris, gravel, and grit located in one of the main impacted digesters at the Kyle Wastewater Treatment Plant. Council Member Fogley seconded the motion. All votes aye; motion carried 7-0.

VII. General Discussion and Possible Action

14. Discussion and possible action of adding a billing clerk to the Water Utility department. ~ Daphne Tenorio, Council Member

Cover Sheet - Item 14

No action was taken.

CITY COUNCIL MEETING MINUTES

December 15, 2015 – Page 6

Kyle City Hall

VIII. City Managers Report

15. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ J. Scott Sellers, City Manager
 - A. Stage 1 Water Restriction
 - B. Open Carry Legislation

Cover Sheet - Item 15

Mr. Sellers stated that Stage 1 Water Restrictions would go into effect on January 1, 2016. He said that Hays County has come to our assistance in Halloween flood recovery road repairs. Mr. Sellers stated they are doing cold patches to get us through until we can get the engineering in place. He continued that additionally in January we will have our Transportation Master Plan presentation by LAN. He informed Council that we received the Wastewater Model from Burgess and Niple to help with the CIP discussion in the future. He spoke on the Open Carry Legislation going into effect January 1, 2016.

City Attorney Frank Garza spoke on the Open Carry legislation with regard to the AG Opinion requests related to multi-use facilities.

IX. Executive Session

Council Member Tenorio moved to postpone Item Nos. 16 and 17. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

16. 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.
 1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 3. Personnel matters pursuant to Section 551.074.
 4. Economic Development negotiations pursuant to Section 551.087.

Cover Sheet - Item 16

17. Take action on items discussed in Executive Session.

Cover Sheet - Item 17

18. Consider and Possible Action on Settlement Agreement with Freehold Capital Partners for the Bunton Creek PID. ~ Frank Garza, City Attorney

CITY COUNCIL MEETING MINUTES

December 15, 2015 – Page 7

Kyle City Hall

Cover Sheet - Item 18

With no objection, Mayor Webster Item No. 18 on the table. City Attorney Frank Garza presented the item.

Larry Jones was called to speak. He had a question about whether it was going to come through their tax assessment. He also asked if they may pay it all at once with no interest charges or installment fee.

Mayor Pro Tem Wilson moved to approve the Settlement Agreement with Freehold Capital Partners for the Bunton Creek PID. Council Member Hervol seconded the motion. All votes aye; motion carried 7-0.

19. Consider and Possible Action on (First Reading) An Ordinance of the City of Kyle, Texas, amending City of Kyle, Ordinance No. 472 to reassess the amount of each final platted lot for the Bunton Creek Public Improvement District; providing for the collection of the assessments; providing for repeal of conflicting ordinances; providing for an effective date and an open meetings clause; and providing for related matters. ~ Frank Garza, City Attorney

Cover Sheet - Item 19

Council Member Tenorio moved to approve on First Reading an Ordinance of the City of Kyle, Texas, amending City of Kyle, Ordinance No. 472 to reassess the amount of each final platted lot for the Bunton Creek Public Improvement District; providing for the collection of the assessments; providing for repeal of conflicting ordinances; providing for an effective date and an open meetings clause; and providing for related matters. Mayor Pro Tem Wilson seconded the motion. All votes aye; motion carried 7-0.

Mayor Webster asked if there were any objections to having the ordinance finally passed. There were none. The Ordinance was finally passed.

X. ADJOURN

Council Member Fogley moved to adjourn. Mayor Pro Tem Wilson seconded the motion. All votes aye; motion carried 7-0.

The City Council adjourned at 9:09 p.m.

CITY COUNCIL MEETING MINUTES

December 15, 2015 – Page 8

Kyle City Hall

R. Todd Webster, Mayor

Attest: Amelia Sanchez, City Secretary