

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 2/2/2016, at Kyle City Hall, 100 W. Center St., Kyle, Texas 78640 for the purpose of discussing the following agenda.

Posted this 29th day of January, 2016, prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Regular Meeting - January 5, 2016. ~ *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. Appointments

2. Confirm City Manager's appointment to the Civil Service Commission to fill a vacancy for an unexpired term to expire July 7, 2016. ~ *J. Scott Sellers, City Manager*
 - Aaron Townsend

 [Attachments](#)

V. Consent Agenda

3. (*Second Reading*) An Ordinance calling a Special Election to be held on May 7, 2016 in the City of Kyle, Texas to submit propositions on amendments to the City of Kyle Home Rule Charter; Making provision for the conduct of the election; Resolving other matters incident and related to such election; Providing for severability and setting an effective date. ~ *Frank Garza, City Attorney*

 [Attachments](#)

4. *(Second Reading)* An Ordinance of the City of Kyle, Texas, ordering the May 7, 2016 General Election; Establishing the procedure therefore; and Providing for related matters. ~ *Frank Garza, City Attorney*

 [Attachments](#)

5. Ratify the award of a Purchase Order to ALSAY INCORPORATED of Houston, Texas in the amount of \$27,225.08 for emergency repairs ordered by the Public Works Department to include water pump rebuild and to replace bearing at Well 2 site located at 701 W Moore Street in Kyle, Texas. ~ *Harper Wilder, Director of Public Works*

 [Attachments](#)

6. Approve Change Order No. 2 to CAPITAL EXCAVATION COMPANY, Buda, Texas, in an amount not to exceed \$7,000.00 for a total contract amount of \$3,814,876.00 for additional drainage work required for Marketplace Avenue construction project. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

7. Approve Supplement No. 7 to FREESE AND NICHOLS, INC., Austin, Texas, in an amount not to exceed \$37,180.00 for a total contract amount of \$1,361,175.00 for the purpose of performing additional utility engineering, geotechnical testing, and property acquisition services needed to realign a wastewater line for the Burlison Street project. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

VI. Consider and Possible Action

8. Consider a request by Noe and Maria Briseno (114-A and 114-B Sunrise Circle) for a variance to Chapter 41 (Subdivision) Section 82, Rural Subdivision Standards (e) (2) of the City of Kyle Code of Ordinances, which states all lots in a rural subdivision shall have a minimum width of 130 feet at the front property line. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-1 to recommend approval of the request.

- **PUBLIC HEARING**

 [Attachments](#)

9. *(First Reading)* An ordinance amending Chapter 50 “Utilities”, of the Code of Ordinances of the City of Kyle, Texas, by the addition of Article IX, “stormwater regulations; providing findings and definitions; providing for the regulation non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by both the United States Environmental Protection Agency and the Texas Commission on Environmental Quality; providing for penalties; repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing for the inclusion in the Code of Ordinances; providing for an effective date associated

training. ~ *Leon Barba, P.E., City Engineer; Kathy Roecker, Stormwater Management Plan Administrator*

 [Attachments](#)

10. Consider and take action to approve Supplement No. 3 to HDR ENGINEERING, INC., Austin, Texas, in an amount not to exceed \$79,600.00 for a total contract amount of \$1,044,754.50 as requested by City Council for the purpose of revising the Lehman Road engineering plans to remove the proposed bridge structure over the tributary to Plum Creek, lowering the profile of the proposed roadway, and reducing construction costs by approximately \$1.0 million. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

11. Discussion on Smoking Ordinance. ~ *Becky Selbera, Council Member*

 [Attachments](#)

12. Update on County Support for Drainage and Stormwater Improvements. ~ *Todd Webster, Mayor*

 [Attachments](#)

13. Discussion and action regarding rescinding approval of ILA with Mountain City and Hays County for annexation and ETJ release and to provide utility services. ~ *Todd Webster, Mayor*

 [Attachments](#)

14. Approve a letter of intent with Mountain City 150, LP. ~ *Todd Webster, Mayor*

 [Attachments](#)

15. Discussion on public transportation in the City of Kyle. ~ *Diane Herval, Council Member*

 [Attachments](#)

VII. City Managers Report

16. 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*

- Disposition of Hurlston vs. City of Kyle

 [Attachments](#)

VIII. Executive Session

17. 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.
 - Jesse Espinoza Appeal Update
 - Aqua Lawsuit Update
 - Negotiations for Extension of Wastewater Services.
2. Property acquisitions for road bond projects.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.
 - Negotiations for Extension of Wastewater Services.

 [Attachments](#)

18. Take action on items discussed in Executive Session.

 [Attachments](#)

IX. 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.