

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on January 19, 2016 at Kyle City Hall with the following persons present:

Mayor Todd Webster	Tim Miller
Mayor Pro Tem David Wilson	Kyle Taylor
Council Member Diane Hervol	Juanita Parsons
Council Member Becky Selbera	Lila Knight
Council Member Shane Arabie	Michael Whitehurst
Council Member Damon Fogley	Dennis Rose
Council Member Daphne Tenorio	Angelita Tobias
Scott Sellers, City Manager	Stacey Pfefferkorn
James Earp, Assistant City Manager	
Frank Garza, City Attorney	
Jerry Hendrix, Chief of Staff	
Leon Barba, City Engineer	
Perwez Moheet, Finance Director	
Howard Koontz, Community Development Director	
Jeff Barnett, Chief of Police	

I. Call Meeting To Order

Mayor Webster called the meeting to order at 7:00 p.m.

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

II. 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 7:01 p.m. He announced that no one would be permitted to speak without having first filled out a form. Tim Miller was called to speak. He spoke in opposition to the annexations of current farm land. He said the annexations are about providing water and sewer lines through Opal, Roland, and Stagecoach without regard for the heritage oaks and rural character. He said it is also about the major highway for the GLO Tract development. He stated that he is proud to be an organic farmer and tax payer. He said that annexation would significantly increase costs for him to provide a paved parking lot. Mr. Miller stated that the GLO Developer needs to have a presentation to the citizens of Hays County, Kyle,

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Buda, Mountain City and Driftwood about their subdivision plans for Kyle's roads and new location for the highway. He wants to see detailed maps before the city annexes them in as well. Fire Chief Kyle Taylor spoke regarding the ESD Board meeting next week. They will be discussing and taking action on increase in sales tax of one cent outside the city limits, which will affect future annexations for the city. He will be working with City Staff on a Memorandum of Understanding. Juanita Parsons spoke about her 3.5 acres that she has acquired in Kyle. She stated that she'd heard she may be annexed into the City, and she'd like to meet her leaders. With that she invited the Council to her home and property to meet on February 4th from 4:00 - 5:30 p.m. to see the property and to meet with them. She wants to work with the Council. Lila Knight spoke in opposition to Item No. 15. She stated that she is concerned that the Council has yet to address the need for public transportation for the elderly, disabled, and other citizens who just don't have the money. She said the budget has allowed for 20 new employees, a raise for the city manager, and other improvements, but no funds have been found for public transportation. She stated if we don't have money for public transportation, then she is concerned about how we will have money for an additional 3,000 acres to be annexed. She stated that is another 5 miles of badly maintained roads by the county and the city will have to provide more services with more police officers. Her concern is that we will go too far too fast and will not be able to take care of the citizens within our city limits. Michael Whitehurst spoke regarding Item No. 15. He moved into the Hays County area 23 years ago. He said that the 4/10 of a mile of Roland Lane is already developed. He stated that each piece of property is more than an acre. He would like to stay out of the City Limits. He concluded that the benefits to Kyle would be very minimal. Dennis Rose was called to speak. He lives on Opal Lane. He has almost paid off his house over the last 29 years. He's served on the Citizens Water Committee and helped develop the Long Range Planning, and sat on the committee. He doesn't feel like his voice has been heard in recent times. He stated that he's not against growth or annexation, but is against this annexation at this time. He would like our community to be preparing for worst case scenario with respect to national issues. He stated that he would like to participate in the annexation plan. He wants to negotiate best options for the city, developers, and homeowners. Angelita Tobias was called to speak. She asked for transparency to let people know what the plans are. She asked for reconsideration of the item today to give time to notice the home owners. She expressed concern that she didn't know this was coming up and would like the city to take time to involve the residents about the development of the area. Mayor Webster explained that this is the beginning of the process, that the decision today is not a final annexation. He stated there will be public hearings and other steps before the annexation is brought up for decision. With no one else wishing to speak and no objections to closing Citizens Comments, Mayor Webster closed citizen comments at 7:22 p.m.

III. Presentation

1. Presentation on Katherine Anne Porter. ~ J. Scott Sellers, City Manager and Stacey Pfefferkorn, Administrative Intern

Item 1 Cover Sheet

Mr. Sellers opened the presentation and introduced Ms. Pfefferkorn who presented on the Katherine Anne Porter program as a downtown niche. No action was taken.

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IV. Consent Agenda

2. (Second Reading) Approve an Ordinance amending the City's Code of Ethics as adopted by Ordinance No. 581, to amend Part G, Section 2(d) items (2) and (3) pertaining to the itemized list of disqualifications from serving on the Ethics Commission as follows; Section 2(d)(2) is amended to read "an elected city official" instead of "an elected public official" and Section 2(d)(3) is amended to read "a candidate for elected city office" instead of "a candidate for elected public office." ~ Frank Garza, City Attorney

Item 2

3. (Second Reading) An Ordinance of the City of Kyle, Texas amending the membership of boards; Providing terms, appointments, qualifications for ex officio members; Amending Section 2-40 Definitions and adding Section 2-50 to the Code of Ordinances; Providing an effective date; and Making such other findings and provisions related hereto. ~ Frank Garza, City Attorney

Item 3

4. (Second Reading) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2015-16 by increasing total appropriations for expenditures by \$79,500.00 to complete storm related repairs authorized for various City parks and decreasing fund balance by the same amount in the Park Development Fund. ~ Perwez A. Moheet, CPA, Director of Finance

Item 4

5. Approve Change Order No. 1 to CAPITAL EXCAVATION COMPANY, Buda, Texas, in the amount of \$8,985.00 for a total contract amount not to exceed \$3,807,876.00 for additional work required for the Marketplace Avenue improvement project. ~ Leon Barba, P.E., City Engineer

Item 5

6. Approve Supplement No. 6 to FREESE AND NICHOLS, INC., Austin, Texas, in an amount not to exceed \$25,605.00 for a total contract award of \$1,323,995.00 for the purpose of performing additional Right of Way (R.O.W) services and preparing documents needed for the N. Burleson Street improvement project. ~ Leon Barba, P.E., City Engineer

Item 6

Mayor Webster asked if there were any items requested to be pulled from the Consent Agenda. There were none. With no objections, Mayor Webster placed Consent Agenda Item Nos. 2, 3, 4, 5, and 6 on the table for discussion.

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Mayor Pro Tem Wilson moved to approve Consent Agenda Item Nos. 2, 3, 4, 5, and 6. Council Member Hervol seconded the motion. All votes aye; motion carried 7-0.

V. Consider and Possible Action

7. (First 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

Item 7

With no objections, Mayor Webster placed Item No. 7 on the table for discussion. Mr. Garza presented the item.

Mayor Pro Tem Wilson moved to approve Item No. 7 as stated. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

8. (First 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

Item 8

With no objections, Mayor Webster placed Item No. 8 on the table for discussion. Mr. Garza presented the item.

Mayor Pro Tem Wilson moved to approve Item No. 8 as stated. Council Member Fogley seconded the motion. All votes aye; motion carried 7-0.

9. 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 7, 2016 election. ~ Frank Garza, City Attorney

Item 9

With no objections, Mayor Webster placed Item No. 9 on the table for discussion. Mr. Garza presented the item.

Council Member Tenorio moved to approve Item No. 9 as stated. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

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10. Consider and take possible action to execute an agreement in an estimated amount of \$5,238.20 with the Hays County Elections Officer for election services relating to the May 7, 2016 city election. ~ Frank Garza, City Attorney

Item 10

With no objections, Mayor Webster placed Item No. 10 on the table for discussion. Mr. Garza presented the item.

Council Member Tenorio moved to approve Item No. 10 as stated. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

VI. General Discussion

11. Progress report on all five road bond projects including latest project cost estimates. ~ Daphne Tenorio, Council Member

Item 11 Cover Sheet

Leon Barba, City Engineer presented the item. No action was taken.

VII. City Managers Report

12. 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

Item 12 Cover Sheet

Mr. Sellers informed Council and citizens of the soft opening of the Train Depot this Saturday from 10:00 - noon.

VIII. Executive Session

13. 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.
 - a. Legal issues regarding Annexation.
 - b. Legal issues regarding Future Development.

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2. Property acquisitions for road bond projects. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - a. Discussion of E FM 150 wastewater line relocation.
3. Personnel matters pursuant to Section 551.074.
4. Economic Development negotiations pursuant to Section 551.087.

Item 13 Cover Sheet

Mayor Pro Tem Wilson moved to convene into executive session. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

The Council convened into executive session at 8:05 p.m.

Council Member Tenorio moved to reconvene into open session. Mayor Pro Tem Wilson seconded the motion. All votes aye; motion carried 7-0.

The Council reconvened into open session at 9:44 p.m.

Council Member Hervol announced that no action took place in Executive Session; however, action would be taken now.

14. Take action on items discussed in Executive Session.

Item 14 Cover Sheet

Mayor Webster moved to postpone Agenda Item No. 14. Mayor Pro Tem Wilson seconded the motion. All votes aye; motion carried 7-0.

15. A Resolution to provide for the possible extension of the Kyle municipal boundaries via both petition of the associated land owner and via authority vested with the City of Kyle in Chapter 43 of the TLGC; Setting the dates and times of two public hearings for the purpose of annexing property and Setting an effective date. ~ Howard J. Koontz, Director of Planning and Community Development

Item 15

With no objections, Mayor Webster placed Item No. 15 on the table.

Mayor Webster moved to approve Item No. 15 as stated. Council Member Arabie seconded the motion. Mayor Webster called for a roll call vote. Council Member Hervol voted nay, Mayor Pro Tem Wilson voted aye, Council Member Arabie voted aye, Council Member Tenorio voted nay, Mayor Webster voted aye, Council Member Fogley voted aye, and Council Member Selbera voted aye. Motion carried 5-2.

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IX. ADJOURN

Council Member Tenorio moved to adjourn. Council Member Hervol seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the Council adjourned at 9:50 p.m.

R. Todd Webster, Mayor

Attest: Amelia Sanchez, City Secretary