

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on January 3, 2017 at Kyle City Hall with the following persons present:

Mayor Todd Webster
Mayor Pro Tem Damon Fogley
Council Member Travis Mitchell
Council Member Becky Selbera
Council Member Shane Arabie
Council Member David Wilson
Council Member Daphne Tenorio
James Earp, Assistant City Manager
Lea Ream, City Attorney
Bryan Korri, Assistant City Attorney
Jerry Hendrix, Chief of Staff
Jennifer Vetrano, City Secretary
Grace Niño, Executive Assistant
Leon Barba, City Engineer
Perwez Moheet, Finance Director
Kayleigh Soukup, IT Technician
Kerry Urbanowicz, PARD Director
Howard Koontz, Community Dev Director
Jeff Barnett, Chief of Police
Pedro Hernandez, Police Captain
Jason Biemer, Div. Mgr. – Treatment Operations

Gene Harris
Madison Inselmann
Geoffrey Tahuahua
Tony Spano
Chad Durham

I. Call Meeting To Order

Mayor Webster called the meeting to order at 7:00 p.m. Mayor Webster asked the secretary to call roll.

Present were: Mayor Webster, Council Member Mitchell, Council Member Selbera, Council Member Arabie, Council Member Wilson, Mayor Pro Tem Fogley, and Council Member Tenorio. A quorum was present.

II. Approval of minutes

1. City Council Regular Meeting Minutes - December 6, 2016. ~ *Jennifer Vetrano, City Secretary*
Item No. 1 Attachments
2. City Council Emergency Meeting Minutes - December 7, 2016. ~ *Jennifer Vetrano, City Secretary*
Item No. 2 Attachments

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3. City Council Special Meeting Minutes - December 16, 2016. ~ *Jennifer Vetrano, City Secretary*
Item No. 3 Attachments

Mayor Webster brought forward Item Nos. 1, 2, and 3.

Council Member Tenorio moved to approve minutes of the Regular December 6, 2016 meeting, the Emergency December 7, 2016 meeting, and the Special December 16, 2016 meeting. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

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 7:01 p.m.

Gene Harris was called to speak. He asked Council to look into placing a 3-way stop sign at Kyle Parkway and Dacy Lane due to increase in traffic flow in the area. Mayor Webster told Mr. Harris that staff would contact him due to a recent decision that Council would no longer make decisions on traffic control devices.

Madison Inselmann was called to speak regarding Item No. 23. He stated he would like to comment during that item's public hearing.

Geoffrey Tahuahua was called to speak regarding Item No. 23. He stated that he too was here for Item No. 23 and would like to register his position without testimony. He stated that he is here in support of Madison who is one of their members (of the Home Builders Association of Greater Austin).

Chief Barnett was called to speak. He gave a brief presentation about the police response for calls for service over the holiday weekend. He stated that from 6:00 p.m. on New Year's Eve until 6:00 a.m. the Police Department responded to 129 calls for services, 66 for fireworks and two that were called in as possible gun shots fired. Chief Barnett stated that is about twice the normal calls for service for a weekend night. He continued that from 6:00 a.m. Friday to 6:00 a.m. Monday there were 360 calls for service, 88 of those being fireworks related. He stated that comments on social media showed a belief that the police department were not responding to calls for service regarding fireworks. He stated each call was responded to. He spoke about the procedures for anonymous callers.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:10 p.m.

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IV. Consent Agenda

5. Authorize award and execution of a Purchase Order to TIBH INDUSTRIES, INC., Austin, Texas, in an amount not to exceed \$18,950.00, as the contractor for litter pick up and grass cutting on Interstate 35 using Easter Seals of Central Texas as the service provider. ~ *Kerry Urbanowicz, Director of Parks and Recreation*
Item No. 5 Attachments
7. (Second Reading) An Ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 11 ("Business Regulations"), Article IV ("Peddlers, Solicitors and Vendors"); adding definitions; adding permitting requirements; altering permissible hours of operations; clarifying allowable items to be sold; altering permissible locations of operations; creating a food court land use and adding associated terms and provisions, and repealing conflicting provisions. ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-1 to recommend approval.
Item No. 7 Attachments
12. Approve Supplement No. 4 to LJA ENGINEERING, INC., Austin, Texas, in an amount not to exceed \$32,460.00, for a total contract amount not to exceed \$713,834.34 for the purpose of providing design services necessary for the development of plans and specifications for the installation of a traffic signal at the intersection of Goforth Rd. and Bunton Creek Rd. ~ *Leon Barba, P.E., City Engineer*
Item No. 12 Attachments
13. Approve Supplement No. 8 to FREESE AND NICHOLS, INC., Austin, Texas, in an amount not to exceed \$11,488.00 for a total contract amount of \$1,372,663.00 for the purpose of developing and revising documents requested by Union Pacific Railroad for the Quiet Zone improvements, roadway realignment options and providing additional waterline design services and documents necessary for the development of plans, specifications and estimates for the Burleson Street improvements. ~ *Leon Barba, P.E., City Engineer*
Item No. 13 Attachments
14. A Resolution of the City Council of the City of Kyle, Texas accepting the Kensington Trails Subdivision Section 5D subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
Item No. 14 Attachments
17. Approve contract Task Order No. 4 to LJA ENGINEERING, INC., Austin, Texas, in an amount not to exceed \$148,097.50 for the purpose of providing engineering services for the Plum Creek Interceptor Phase 1 Improvements which replaces and upsizes an existing 12" wastewater line to an 18" wastewater line. ~ *Leon Barba, P.E., City Engineer*
Item No. 17 Attachments

Mayor Webster asked if there were any items to be pulled from the Consent Agenda. Council Member Arabie pulled Item Nos. 4, 10, 11, and 15. Mayor Webster pulled Item No. 6. Council Member Tenorio pulled Item Nos. 8, 9, and 16. With no objections, Mayor Webster brought forward Item Nos. 5, 7, 12, 13, 14, and 17.

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Council Member Arabie moved to approve Consent Agenda Item Nos. 5, 7, 12, 13, 14, and 17. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

4. Authorize award, which includes the trade in of a 2004 Chevrolet pickup, and execution of a Purchase Order to BOSSIER CHRYSLER DODGE JEEP RAM, Hillsboro, Texas, in an amount not to exceed \$19,400.00 for the 2017 Promaster City Tradesman Cargo Van.
~ *Kerry Urbanowicz, Director of Parks and Recreation*
Item No. 4 Attachments

Mayor Webster brought forward Item No. 4 for discussion and gave the floor to Council Member Arabie since he pulled the item. Mr. Urbanowicz presented the item.

Council Member Arabie moved to authorize award, which includes the trade in of a 2004 Chevrolet pickup, and execution of a Purchase Order to Bossier Chrysler Dodge Jeep Ram, Hillsboro, Texas, in an amount not to exceed \$19,400.00 for the 2017 Promaster City Tradesman Cargo Van. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

6. Approve a Purchase Order to BROADCAST MICROWAVE SERVICES, Poway, California, a sole service provider, in an amount not to exceed \$13,077 for the purchase of four replacement in-car video systems for patrol and evidence collection purposes.
~ *Jeff Barnett, Chief of Police*
Item No. 6 Attachments

Mayor Webster explained that he pulled this item at the request of staff who was not ready to move forward with the item.

Mayor Webster moved to postpone Item No. 6. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

8. (Second Reading) An Ordinance of the City of Kyle, Texas Code of Ordinances amending Chapter 5, Animals, Article III. Animal Protection and Article IX. Animal Care and Control; providing a repealing clause; providing a savings clause; providing a severability clause; providing for publication; and setting an effective date. ~ *Jeff Barnett, Chief of Police*
Item No. 8 Attachments

Mayor Webster brought forward Item No. 8 for discussion and gave the floor to Council Member Tenorio since she pulled the item. She stated that a clarification may be needed in 5-77 for trapping and shooting, she would like rodents clarified and defined. Council Member Mitchell stated people should be able to trap on their own property.

Council Member Tenorio moved to postpone Item No. 8 until a text amendment can be provided by staff regarding the definition of rodents. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

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9. (Second Reading) An Ordinance amending the City's Approved Budget for Fiscal Year 2016-17 (Budget Amendment No. 2) by increasing total appropriations for expenditures in the General Fund by \$270,000 and decreasing the fund balance in the General Fund by the same amount in order to provide funding for a preliminary engineering study to relocate the rail siding operated by the Union Pacific Railroad Company in Kyle, Texas.
~ *Perwez A. Moheet, CPA, Director of Finance*
Item No. 9 Attachments

Mayor Webster brought forward Item No. 9 for discussion and gave the floor to Council Member Tenorio since she pulled the item. She stated that she pulled the item in order to vote against it.

Council Member Mitchell moved to approve an Ordinance amending the City's Approved Budget for Fiscal Year 2016-17 (Budget Amendment No. 2) by increasing total appropriations for expenditures in the General Fund by \$270,000 and decreasing the fund balance in the General Fund by the same amount in order to provide funding for a preliminary engineering study to relocate the rail siding operated by the Union Pacific Railroad Company in Kyle, Texas. Council Member Wilson seconded the motion. Motion carried 6-1 with Council Member Tenorio dissenting

10. Approve the preliminary plan for Plum Creek Phase 1, Section 4B (PP-16-002) 3.828 acres; 40 single family lots located on the east corner of Fairway and Hartson. ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning & Zoning Commission voted 7-0 to recommend approval of the preliminary plan.
Item No. 10 Attachments

Mayor Webster brought forward Item No. 10 for discussion and gave the floor to Council Member Arabie since he pulled the item. Council Member Arabie stated his opposition to the item because of the number of homes in the space, and limited parking, and fire safety. He also took issue with the small radius of the cul-de-sac. Mr. Koontz stated that the plan is code compliant. Mayor Webster asked Tony Spano to speak on this item. He stated residents' garages are intended for parking in this area and not intended for storage. He stated the HOA has the right to perform inspections for compliance. Mr. Spano continued that these homes will have extended driveways for the purpose of parking additional cars. He stated that it is an alley-load garage and that they met with Engineering, Public Works and the Fire Department and made some adjustments based on the feedback, including modifications to the cul-de-sac, which replaced a dead-end hammerhead style back of the alley. He stated that initially this was platted in 2005 or 2006, but in 2012, a realization was made that there was an issue with the plat due to the proximity to the golf course. This resulted in a redesign of the area and a relocation of Hole 4. Mr. Spano continued that these homes will not be the courtyard style that face each other, but rather they face open space or the golf course. He said these homes are under the R-2 zoning.

Council Member Tenorio moved to approve the preliminary plan for Plum Creek Phase 1, Section 4B (PP-16-002) 3.828 acres; 40 single family lots located on the east corner of Fairway and Hartson. Council Member Wilson seconded the motion.

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There was discussion on the motion. Council Member Mitchell offered support for the work, specifically the requirement for garage parking.

Mayor Webster called for a roll call vote. Mayor Webster voted aye, Council Member Tenorio voted aye, Mayor Pro Tem Fogley voted aye, Council Member Mitchell voted aye, Council Member Selbera voted aye, Council Member Arabie voted nay, and Council Member Wilson voted aye. Motion carried 6-1.

11. Approve the final plat for Plum Creek Phase 1, Section 4B (FP-16-011) 3.828 acres; 40 single family lots located on the east corner of Fairway and Hartson. ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning & Zoning Commission voted 7-0 to recommend approval of the final plat.
Item No. 11 Attachments

Mayor Webster brought forward Item No. 11, and Council Member Arabie stated that he pulled it due to the same objection as the previous discussion.

Council Member Wilson moved to approve the final plat for Plum Creek Phase 1, Section 4B (FP-16-011) 3.828 acres; 40 single family lots located on the east corner of Fairway and Hartson. Mayor Pro Tem Fogley seconded the motion.

Mayor Webster called for a roll call vote per request of Council Member Arabie. Mayor Pro Tem Fogley voted aye, Council Member Wilson voted aye, Council Member Selbera voted aye, Council Member Mitchell voted aye, Council Member Arabie voted nay, Council Member Tenorio voted aye, and Mayor Webster voted aye. Motion carried 6-1.

15. A Resolution of the City Council of the City of Kyle, Texas accepting the Bunton Creek, Phase 2A subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
Item No. 15 Attachments

Mayor Webster brought forward Item No. 15 for discussion and gave the floor to Council Member Arabie since he pulled the item. Council Member Arabie asked Mr. Barba whether the property is under the City's old zoning requirements. Mr. Barba stated that a previous City Attorney had issued an opinion in April of 2014 regarding this subdivision and its vested rights due to acceptance by Hays County. Council Member Arabie stated his question relates to how many other platted but undeveloped properties there are under the old ordinances. Assistant City Manager James Earp stated that the lot widths were determined by the settlement agreement with the City. At the time of the platting, the development should have been platted through both the City and the County, but it only went through the County and was going to be a mobile home park. He stated that he is unsure that the old ordinances would apply to this particular arrangement with the lot widths and street design. Mr. Earp continued that to answer Council Member Arabie's question, anything platted prior to Sunset Hills and Meadows of Kyle, around 2006 or 2007 was under the old ordinances. He roughly estimated 1000 lots still under the old code. Council Member Mitchell asked whether we are required by law to approve this. Mr.

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Earp stated that if it is in compliance with our approved ordinances or the settlement agreement we are obligated to approve.

Council Member Tenorio moved to approve a Resolution of the City Council of the City of Kyle, Texas accepting the Bunton Creek, Phase 2A subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

16. Interlocal Agreement between the City of Kyle, the City of San Marcos, and the Hays Caldwell Public Utility Agency For The Blanco Basin Wastewater Treatment Feasibility Study. ~ *Jason Biemer, Division Manager - Treatment Operations*
Item No. 16 Attachments

Mayor Webster brought forward Item No. 16 for discussion and gave the floor to Council Member Tenorio since she pulled the item. She asked Jason Biemer, Division Manager - Treatment Operations, under what CCN the wastewater for this item is currently under. Mr. Biemer stated the majority of the area is not currently covered by any CCN. She asked what the direct benefit of the study is. Mr. Biemer stated that the purpose is to evaluate whether a regional plant could move forward there, and if it could, there could be some long-term benefits to the City, San Marcos, HCPUA and other member groups.

Council Member Wilson moved to approve an Interlocal Agreement between the City of Kyle, the City of San Marcos, and the Hays Caldwell Public Utility Agency for the Blanco Basin Wastewater Treatment Feasibility Study. Council Member Selbera seconded the motion.

There was discussion on the motion. Council Member Tenorio asked whether Council Member Wilson can make the motion since he is the Chair of the Board of Directors for the HCPUA. City Attorney Lea Ream stated that yes, he can vote both on the Council and on the HCPUA because his position on the HCPUA is due to his position on the City Council.

Council Member Wilson stated that this item is for the good of the whole, and this is an opportunity to work regionally to save money. Mayor Webster offered support for the item based on a need for infrastructure improvements and wastewater solutions. He stated this is a first step to explore opportunities to work collaboratively with our neighbors to save resources.

All votes aye; motion carried 7-0.

V. Consider and Possible Action

18. (First Reading) Approve an Ordinance adopting the land use assumptions, capital improvements plan, and establishing an updated water impact fee totaling \$3,535 per living unit equivalent (LUE) and an updated wastewater impact fee totaling \$2,826 per LUE, amending Ordinance No. 298-2, and establishing an effective date. ~ *Perwez A. Moheet, CPA, Director of Finance*

- PUBLIC HEARING

Item No. 18 Attachments

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Mayor Webster brought forward Item No. 18 for discussion. Mr. Moheet presented the item and introduced HDR Engineering as the City's consultant who performed the study for questions if necessary.

Council Member Selbera left the dais at 7:57 p.m.

Mayor Webster opened the public hearing at 7:58 p.m. With no one wishing to speak, Mayor Webster closed the public hearing at 7:59 p.m.

Council Member Wilson moved to approve an Ordinance adopting the land use assumptions, capital improvements plan, and establishing an updated water impact fee totaling \$3,535 per living unit equivalent (LUE) and an updated wastewater impact fee totaling \$2,826 per LUE, amending Ordinance No. 298-2, and establishing an effective date. Mayor Pro Tem Fogley seconded the motion.

There was discussion on the motion. Council Member Mitchell stated that impact fees are a very appropriate way to pay for the improvements to the infrastructure. Council Member Arabie stated that these fees are for the expansion of the trunk lines to the treatment plant and not for the lines to each individual homeowner. He continued that the fee is for the infrastructure to be improved.

Motion carried 5-1 with Council Member Tenorio dissenting. Council Member Selbera was absent for the vote.

19. (First Reading) An Ordinance of the City of Kyle, Texas, amending the City of Kyle, Texas Code of Ordinances; amending Part II, Chapter 41, Article V, Section 41-147 Park Land Dedication, (a) Definition of Hike and Bike Trail; providing for repeal of conflicting ordinances; providing for an effective date and an open meetings clause; and providing for related matters. ~ *Kerry Urbanowicz, Director of Parks & Recreation*
Item No. 19 Attachments

Mayor Webster brought forward Item No. 19 for discussion. Mr. Urbanowicz presented the item.

Council Member Selbera returned to the dais at 8:05 p.m.

Council Member Tenorio moved to approve an Ordinance of the City of Kyle, Texas, amending the City of Kyle, Texas Code of Ordinances; amending Part II, Chapter 41, Article V, Section 41-147 Park Land Dedication, (a) Definition of Hike and Bike Trail; providing for repeal of conflicting ordinances; providing for an effective date and an open meetings clause; and providing for related matters. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

20. (First Reading) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 52.990 acres of land from Single Family Residential-2 'R-1-2' to Single Family Detached Residential 'R-1-A' for property located on the north side of Bebee Road, 1/4 mile west of Dacy Lane, in Hays County, Texas.

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(The Meadows at Kyle II, Ltd. - Z16-009). ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to postpone recommendation until the January 10th P&Z meeting.

- PUBLIC HEARING

Item No. 20 Attachments

Mayor Webster announced that Agenda Items 20, 21, and 22 need to be postponed until they can be considered by the Planning & Zoning Commission; however, they have Public Hearings which will be opened and left pending. He then brought forward Item No. 20. Mayor Webster opened the public hearing at 8:12 p.m. With no one wishing to speak, Mayor Webster left the public hearing pending.

Mayor Pro Tem Fogley moved to postpone action on Item No. 20 until January 17, 2017. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

21. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 68.5 acres of land from Single Family Residential-2 "R-1-2" and rezone approximately 10.38 acres of land from Central Business District-1 "CBD-1" to Single Family Detached Residential "R-1-A" for property located on the west side of Scott Street at W. Third Street, in Hays County, Texas. (Blanton Family Limited Partnership - Z-16-010). ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 6-0 to postpone recommendation until the January 10th P&Z meeting.

- PUBLIC HEARING

Item No. 21 Attachments

Mayor Webster brought forward Item No. 21. Mayor Webster opened the public hearing at 8:13. With no one wishing to speak, Mayor Webster left the public hearing pending.

Council Member Wilson moved to postpone action on Item No. 21 until January 17, 2017. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

22. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 7.26 acres of land from Single Family Residential "R-1" to Single Family Detached Residential "R-1-A" for property located on the southwest corner of Zapata Street and W. Hays Street, in Hays County, Texas. (Thomas Kaminski - Z-16-011). ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 6-0 to postpone recommendation until the January 10th P&Z meeting.

- PUBLIC HEARING

Item No. 22 Attachments

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Mayor Webster brought forward Item No. 22. Mayor Webster opened the public hearing at 8:14. With no one wishing to speak, Mayor Webster left the public hearing pending.

Council Member Tenorio moved to postpone action on Item No. 22 until January 17, 2017. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

23. Consider amendments to the City of Kyle Code of Ordinances, Chapter 53, Zoning: specifically, Article I, Section 53-5 (Definitions); and Article II, Division 1, Section 53-33 (General Requirements and Limitations); and Article II, Divisions 2, 3, 4 and 5, as well as creating a new division and re-numbering existing divisions; and prior Ordinance 824 (Providing standards for determining a front wall for the purposes of establishing garage setback). ~ *Howard J. Koontz, Director of Planning and Community Development* Planning and Zoning Commission voted 6-0 to recommend approval with the condition outlined in staff memo.

- PUBLIC HEARING

Item No. 23 Attachments

Mayor Webster brought forward Item No. 23 for discussion. Mr. Koontz presented the item.

Mayor Webster opened the public hearing at 9:05 p.m.

Geoffrey Tahuahua, Vice President of Public Policy of Home Builders Association of Greater Austin, registered his position in favor of the Ordinance without giving testimony.

Madison Inselmann with Scott Felder Homes, representing Cypress Forest, expressed gratitude for the opportunity to give input in this issue through City Staff, City Council and Planning & Zoning. He stated that his company's goals are in line with the stated goals of the city - aesthetic housing, diversified housing stock, non-garage-dominated homes. His company invested in the community recognizing the underserved market of luxury and move-up homes in Kyle. He stated that the result of this ordinance is a productive and progressive step forward for the housing stock in Kyle. Mr. Inselmann provided some examples of floor plans that they generally offer that are not permitted through the ordinance, and spoke about impervious coverage requirements that cause issues with side-loading garages.

Chad Durham, Division President with David Weekly Homes approached the podium to speak. He stated that in an upscale community you do not see the cars parked like Walmart, according to Council Member Mitchell's statement earlier. He said on the platting side is where the City would get the biggest bang for your buck. There is more cost to the development side for a rear loading driveway/garage, so he said he would like to see incentives to the developer, perhaps by making impervious coverage requirements less restrictive with the caveat of designing the home in a certain fashion. Mr. Durham continued that incentives towards developers who are platting alley-load communities would enable them to sell to builders that can reach that market. He said builders are not building the cheapest thing, but rather they build to the market.

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With no one else wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 9:14 p.m.

Mayor Webster moved to approve amendments to the City of Kyle Code of Ordinances, Chapter 53, Zoning: specifically, Article I, Section 53-5 (Definitions); and Article II, Division 1, Section 53-33 (General Requirements and Limitations); and Article II, Divisions 2, 3, 4 and 5, as well as creating a new division and re-numbering existing divisions; and prior Ordinance 824. Council Member Arabie seconded the motion.

Mayor Webster called for a roll call vote. Council Member Arabie voted aye, Council Member Selbera voted aye, Council Member Mitchell voted nay, Mayor Pro Tem Fogley voted aye, Mayor Webster voted aye, Council Member Wilson voted aye, and Council Member Tenorio voted nay. Motion carried 5-2.

24. Approve a two-year renewal to Acadian Ambulance Service of Texas, LLC, D/B/A Acadian Ambulance Service franchise to provide non-emergency and rollover emergency ambulance services within the boundaries of the City of Kyle, Texas. ~ *J. Scott Sellers, City Manager*
Item No. 24 Attachments

Mayor Webster brought forward Item No. 24 for discussion. Mr. Earp presented the item.

Council Member Tenorio moved to approve a two-year renewal to Acadian Ambulance Service of Texas, LLC, D/B/A Acadian Ambulance Service franchise to provide non-emergency and rollover emergency ambulance services within the boundaries of the City of Kyle, Texas. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

VI. City Manager's Report

25. 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 No. 25 Cover Sheet

There was no report. Mr. Earp asked Mayor Webster to clarify on the 7-0 vote on agenda item no. 19. Mayor Webster asked if there were any objections to having it finally passed. There were none. Item No. 19 was considered finally passed. Mayor Webster asked for an estimated time on the completion of Goforth and the extension. City Engineer Leon Barba stated the intersection of Brent and Goforth is expected within two weeks. He stated the extension progress is about two months into the four months estimated. Mayor Pro Tem Fogley asked when the businesses will have access at 700 Goforth Rd. Mr. Barba estimated two to three months.

VII. Executive Session

26. 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

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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.
 - Contract of City Manager, Scott Sellers
4. Economic Development negotiations pursuant to Section 551.087.

Item No. 26 Cover Sheet

Council Member Wilson moved to convene into 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: Personnel matters pursuant to Section 551.074 - Contract of City Manager, Scott Sellers. Mayor Pro Tem Fogley seconded the motion.

Council Member Arabie left the dais at 9:20 p.m. All votes aye; motion carried 6-0. Council Member Arabie was absent for the vote, but he did participate in Executive Session. The City Council convened into Executive Session at 9:21 p.m.

27. Take action on items discussed in Executive Session.

Item No. 27 Cover Sheet

Council Member Tenorio moved to reconvene into open session. Council Member Wilson seconded the motion. All votes aye; motion carried 6-0.

Council Member Arabie was absent for the vote. The City Council reconvened into Open Session at 10:15 p.m. Mayor Webster stated that a new contract will be made available to the public; his goal is before the next agenda is posted, although it needs some editing by the City Attorney. Council Member Arabie returned to the dais at 10:15 p.m. Mayor Webster announced that no action took place in Executive Session and no action will be taken now.

VIII. ADJOURN

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

With no further business to discuss, the City Council adjourned at 10:16 p.m.

R. Todd Webster, Mayor

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Attest: Jennifer A. Vetrano, City Secretary