

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on July 18, 2017 at Kyle City Hall with the following persons present:

Mayor Todd Webster	Julie Snyder
Mayor Pro Tem Damon Fogley	Bill Sinor
Council Member Travis Mitchell	Kate Johnson
Council Member Becky Selbera	Jeremy Garrett
Council Member Shane Arabie	Lila Knight
Council Member David Wilson	Dawn Ames
Council Member Daphne Tenorio	Alfred Zambrano
Scott Sellers, City Manager	Michele Christie
James Earp, Assistant City Manager	Diane Hervol
Frank Garza, City Attorney	Rachel Montez
Jerry Hendrix, Chief of Staff	Jon Snyder
Jennifer Vetrano, City Secretary	Steve Ramsey
Leon Barba, City Engineer	William Oppel
Perwez Moheet, Finance Director	Mark Schultz
Danielle Harvey, IT Technician	
Marco Forti, IT Technician	
Paul Phelan, Library Director	
Howard Koontz, Community Dev Director	
Will Atkinson, City Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Harper Wilder, Director of Public Works	

I. Call Meeting To Order

Mayor Webster called the meeting to order at 7:01 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 - June 20, 2017. ~ *Jennifer Vetrano, City Secretary*
Item No. 1 Attachments
2. City Council Special Meeting Minutes - June 28, 2017. ~ *Jennifer Vetrano, City Secretary*
Item No. 2 Attachments

Mayor Webster brought forward approval of the minutes.

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 2

Kyle City Hall

Council Member Tenorio moved to amend the minutes of the June 20, 2017 council meeting, agenda item no. 14 to add language before, "In response to Council Member Tenorio's comment," to include her comment asking why the public notices for the meeting were not published in the local newspapers. Council Member Mitchell seconded the motion. Motion carried 6-1 with Council Member Wilson dissenting.

Council Member Mitchell moved to approve the City Council Regular Meeting Minutes of June 20, 2017 and the City Council Special Meeting Minutes of June 28, 2017. Mayor Pro Tem Fogley seconded the motion.

There was discussion on the motion. Council Member Tenorio asked that the minutes be approved separately because she was not present for the June 28, 2017 meeting and could not vote on that item. Council Member Mitchell withdrew his motion.

Council Member Mitchell moved to approve the City Council Regular Meeting Minutes of June 20, 2017. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

Council Member Mitchell moved to approve the City Council Special Meeting Minutes of June 28, 2017. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0, with Council Member Tenorio abstaining due to her absence.

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.

Julie Snyder was called to speak as a resource. She stated from the audience that she would speak during the public hearing on Item No. 14.

Bill Sinor was called to speak against agenda item no. 16. He stated that he is supportive of a local parking ordinance, but he feels this is the wrong one. He believes that regulating parking is one thing, but telling people what to do in their driveways is crossing the line. Mr. Sinor this puts our officers and citizens at risk over a parking ticket. He opposed the 20 feet clearance provision, stating that residents should have the right to street parking for friends and family visitors. Mr. Sinor stated that the ordinance needs a lot of work, and advised the Council to table it or vote "no".

Kate Johnson was called to speak on behalf of Preservation Associates, as its president, in opposition to agenda item no. 16. She stated that Preservation Associates is a countywide non-profit that promotes historic preservation in Hays County. Ms. Johnson stated that the organization owns the Katherine Anne Porter House, which is leased to Texas State University to provide a writer in-residence program. The lease agreement requires Texas State to provide public programs for the Kyle Community. Without street parking for their seven to eight events per year, these programs would be impacted, and the lease would need to be amended.

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 3

Kyle City Hall

Jeremy Garrett, writer in-residence at the Katherine Anne Porter House, was called to speak against agenda item no. 16. He expressed concern about the current draft of the Parking Ordinance, Sec. 47.26, involving parking on the streets of old town Kyle. He stated that most streets of old town Kyle are exactly 20 feet wide. Mr. Garrett stated this ordinance would have a large impact on their programs without allowing street parking. He believes that it will inhibit the City's ability to be a destination city, and spoke about guests that have come in from Waco, Austin, San Antonio and even as far as Alaska to the events at the Katherine Anne Porter House. He also spoke about the impact on downtown businesses. Mr. Garrett urged Council to reconsider the ordinance.

Lila Knight was called to speak against agenda item no. 16. She stated that a local parking ordinance is needed, but the ordinance needs to accommodate the needs of the entire town. She stated that many of the old town driveways do not meet the requirements of the approved materials in Sec. 47-37, and would prevent old town residents from using their own driveways. Ms. Knight continued that under Sec. 47-26, they also would not be able to park in the street because the streets in old town are only 20 feet wide. She encouraged Council to find a solution that meets the needs of all of our citizens.

Dawn Ames was called to speak in opposition to agenda item no. 16. She stated that while the city needs a parking ordinance she would like the Council to reconsider the one currently presented. She continued that the ordinance appears to be copied from San Marcos and does not apply to Kyle. Ms. Ames said the Police Department has better things to do than look for these violations and issue tickets. She stated that Section 47.62(b) dealing with standing vehicles, she could not have someone pick up her child for school, utility services, school buses, or home deliveries. She recommended the Council appoint an ad-hoc committee to evaluate and find a solution that will work for everyone.

Alfred Zambrano spoke against agenda item no. 16. He stated that the streets were designed when the city was smaller. He mentioned the popularity of trucks and SUVs in the area, with nowhere to park besides the streets. Mr. Zambrano said the city has a struggling police force trying to answer calls. He asked Council to not pass the ordinance and look for a better solution. He stated that no one from old town Kyle that he has heard from was notified about this.

Michele Christie was called to speak in favor of agenda item no. 16. She said she is in favor of the ordinance because of her experience in Plum Creek. She stated that the streets are narrow and if there is an emergency, with a car parked on the corner, someone's house could burn down or someone could die. She sees the ordinance as an attempt to make residents safer. Ms. Christie does not think the intent is to restrict visitors. She continued that after hearing people's feedback, some changes may be made, but maybe not. She said she comes from an urban area where streets are more narrow than here, some streets were one-side parking only, some no parking, and they still had family gatherings. Ms. Christie appreciates the Council for trying to make Kyle safer for its residents.

Diane Hervol spoke about Agenda Item No. 16 as her HOA's president. She stated that some revisions should be considered. She stated that many problems that HOAs deal with daily are provided for in this ordinance. Ms. Hervol recommended that Council adopt a separate parking

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 4

Kyle City Hall

ordinance for old town. She would like to see more public input, perhaps from the HOAs, to consider the unique needs of the neighborhoods. She asked Council to give some consideration.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:26 p.m.

IV. Consent Agenda

Mayor Webster recognized Council Member Mitchell for an item he wished to pull from the Consent Agenda. Council Member Mitchell pulled Item No. 6. Mayor Webster asked if anyone else wished to pull any items from the Consent Agenda. Council Member Tenorio pulled Item Nos. 3, 7, 9, 10, and 11. Council Member Selbera pulled Item No. 8. With no objections, Mayor Webster brought forward Item Nos. 4 and 5.

4. Approve Supplement No. 9 to FREESE AND NICHOLS, INC., Austin, Texas, in an amount of \$41,964.00 for a total contract amount not to exceed \$1,414,627.00 for additional engineering services associated with the Burleson Street project. ~ *Leon Barba, P.E., City Engineer*
Item No. 4 Attachments
5. Approve conveyance by Kyle Apartments, LLC of a wastewater easement to the City of Kyle, Hays County, Texas, being a tract of land consisting of 0.2043 acres out of the Elisha Pruett Survey No. 23, Abstract No. 376 and the Augustus Brichta Survey, Abstract No. 517, Hays County, Texas. ~ *Leon Barba, P.E., City Engineer*
Item No. 5 Attachments

Council Member Arabie moved to approve Consent Agenda Item Nos. 4 and 5. Council Member Wilson seconded the motion.

There was discussion on the motion. Mayor Webster stated that it is not necessary to pull consent agenda items to ask a question or make a comment about the item. He stated that those actions could take place during discussion on the motion.

All votes aye; motion carried 7-0.

3. (First Reading) An Ordinance of the City Council of the City of Kyle, Texas, Granting a Transmission and Distribution Electric Utility Franchise to Pedernales Electric Cooperative, Inc. for a ten year term commencing on the effective date or the longest term allowed by the City Charter; Containing Various Terms and Conditions with regard to the grant of such franchise; containing a severability clause; providing for repeal of any and all kinds of ordinances, regulations, rules, or policies that are in conflict with this ordinance; and providing an effective date. ~ *Jerry Hendrix, Chief of Staff*
Item No. 3 Attachments

Mayor Webster brought forward Agenda Item No. 3 and gave the floor to Council Member Tenorio who pulled the item. Council Member Tenorio asked why the agreement took so long to come forward since it expired in April, and what changes have taken place between the previous agreement and the current one. Mr. Hendrix explained that the City received the notice late, and PEC had to have it approved by their board. He stated that this was the first opportunity to bring

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 5

Kyle City Hall

the agreement to Council. Mr. Hendrix stated that the major changes include the term being five years rather than ten, and the franchise percentage is 4.5 percent as opposed to two. Mayor Webster asked what the dollar amount difference would be. Perwez Moheet, Director of Finance, replied that the difference from the current franchise agreement at two percent to the 4.5 percent is \$600,000 to \$1.2 million. Council Member Mitchell stated that he thought he was approving the agreement in the backup material that shows two percent and ten years. Mr. Sellers responded, stating there should have been two documents in the backup material - the current agreement and the new proposed agreement, and if that is not the case, it is an oversight.

Council Member Mitchell moved to approve an Ordinance of the City Council of the City of Kyle, Texas, Granting a Transmission and Distribution Electric Utility Franchise to Pedernales Electric Cooperative, Inc. for a ten year term commencing on the effective date or the longest term allowed by the City Charter; Containing Various Terms and Conditions with regard to the grant of such franchise; containing a severability clause; providing for repeal of any and all kinds of ordinances, regulations, rules, or policies that are in conflict with this ordinance; and providing an effective date. Council Member Selbera seconded the motion.

There was discussion on the motion. Council Member Wilson stated that to satisfy the point, he suggested that the motion to include the substantial changes that were noted. Council Member Mitchell withdrew his motion.

Council Member Mitchell moved to postpone Item No. 3 until next regularly scheduled meeting. Council Member Selbera seconded the motion. All votes aye; motion carried 7-0.

6. Authorize award and execution of a Purchase Order to HILL COUNTRY OUTDOOR POWER, Austin, Texas in an amount not to exceed \$51,609.32 for the purchase of two (2) new Lazer Z (X-Series) mowers with 72" decks and two (2) new Lazer Z (X-Series) mowers with 60" decks through the Buy Board Purchasing Co-Operative for the Storm Drainage & Flood Risk Mitigation Utility in Public Works Drainage Department.
~ Harper Wilder, Director of Public Works
Item No. 6 Attachments

Mayor Webster brought forward Agenda Item No. 6 and gave the floor to Council Member Mitchell who pulled the item. He stated that he would like to abstain from the vote, as his company submitted a bid on this project.

Council Member Wilson moved to authorize award and execution of a Purchase Order to Hill Country Outdoor Power, Austin, Texas in an amount not to exceed \$51,609.32 for the purchase of two (2) new Lazer Z (X-Series) mowers with 72" decks and two (2) new Lazer Z (X-Series) mowers with 60" decks through the Buy Board Purchasing Co-Operative for the Storm Drainage & Flood Risk Mitigation Utility in Public Works Drainage Department. Council Member Tenorio seconded the motion.

All votes aye; motion carried 6-0 with Council Member Mitchell abstaining.

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 6

Kyle City Hall

7. Declare eight (8) non-functioning laptop computers in the Police Department as surplus property and authorize the Chief of Police to dispose of the same surplus laptops in accordance with City procedures. ~ *Jeff Barnett, Chief of Police*
Item No. 7 Attachments

Mayor Webster brought forward Agenda Item No. 7 and gave the floor to Council Member Tenorio who pulled the item. She asked on behalf of a teacher whether the laptops are fixable and if so, why they are not being donated to local schools. Chief Barnett explained that they are 8 - 10 years old and run very slow, and that they were used for CJIS (Criminal Justice Information) purposes, requires that the hard drives be removed and destroyed, leaving the computers without value.

Council Member Tenorio moved to approve the declaration of eight (8) non-functioning laptop computers in the Police Department as surplus property and authorize the Chief of Police to dispose of the same surplus laptops in accordance with City procedures. Council Member Wilson seconded the motion.

There was discussion on the motion. Mayor Webster stated that he thinks it is fine to donate items to the local school district as long as it complies with policies and procedures established. He questioned whether staff has the discretion to do that under current policies and procedures.

All votes aye; motion carried 7-0.

8. Declare two (2) vehicles in the Police Department, a 2010 Dodge Charger (VIN: 2B3AA4CT6AH113576) and a 2010 Ford Crown Victoria (VIN: 2FAFP71VX8X119492) as surplus property and authorize the Chief of Police to sell these vehicles through an internet public auction service in accordance with City procedures. ~ *Jeff Barnett, Chief of Police*
Item No. 8 Attachments

Mayor Webster brought forward Agenda Item No. 8 and gave the floor to Council Member Selbera who pulled the item. She asked whether the vehicles could be transferred to other departments that are in need of vehicles. Council Member Arabie stated asked whether the capacity for recycling vehicles into other departments has been reached to where we need to be recycling outside of our environment. Chief Barnett stated that other departments were offered the vehicles. They are high mileage and in rough shape. One other department was interested, but they returned the vehicles after about a week due to the amount of maintenance required.

Council Member Selbera moved to approve the declaration of two (2) vehicles in the Police Department, a 2010 Dodge Charger (VIN: 2B3AA4CT6AH113576) and a 2010 Ford Crown Victoria (VIN: 2FAFP71VX8X119492) as surplus property and authorize the Chief of Police to sell these vehicles through an internet public auction service in accordance with City procedures. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

9. Authorizing the City Manager to execute a Restated Amendment # 1 to the Blanco River Investments Developer Agreement, modifying and replacing certain terms previously

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 7

Kyle City Hall

approved to: extend the term of the DA and certain provisions of interest to the land owners. ~ *James R. Earp, Assistant City Manager*
Item No. 9 Attachments

Mayor Webster brought forward Agenda Item No. 9 and gave the floor to Council Member Tenorio who pulled the item. She stated that the backup material states that it was going back to the old one but does not include what the wording was. She asked Mr. Earp to enlighten the community on what they are going back to. Assistant City Manager James Earp stated that they are restating a resolution that was adopted by Council May 2, 2017 that extended two provisions of the development agreement with Blanco River Investments. Mr. Earp explained that this item extends the terms of Paragraph 3.02 by two years, dealing with the families' negotiations amongst themselves of the Lime Kiln extension that goes onto their property.

Council Member Wilson moved to authorize the City Manager to execute a Restated Amendment #1 to the Blanco River Investments Developer Agreement, modifying and replacing certain terms previously approved to: extend the term of the Development Agreement and certain provisions of interest to the landowners. Mayor Pro Tem Fogley seconded the motion. Motion carried 6-1 with Council Member Tenorio dissenting.

10. Consider and take possible action to execute a contract with the Hays County Elections Administrator for election services relating to city elections. ~ *Frank Garza, City Attorney*
Item No. 10 Attachments

Mayor Webster brought forward Agenda Item No. 10 and gave the floor to Council Member Tenorio who pulled the item. She stated there is nothing in this contract regarding where the polling places are. City Attorney Frank Garza stated that those locations would be in the Election Ordinance to be brought at the next meeting when Council calls the election. She asked whether there are any changes between the previous contract and this one.

Council Member Tenorio moved to approve execution of a contract with the Hays County Elections Administrator for election services relating to city elections. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

11. Consider and take possible action to execute a Joint Election Agreement with Hays County Local Political Subdivisions for cost sharing related to elections. ~ *Frank Garza, City Attorney*
Item No. 11 Attachments

Mayor Webster brought forward Agenda Item No. 11 and gave the floor to Council Member Tenorio who pulled the item. She asked Mr. Garza how much this would cost. Mr. Garza stated that depending on the number of entities having elections, the County would let us know what our share would be. He stated that an estimate would come with the second reading of the ordinance calling the election.

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 8

Kyle City Hall

Council Member Tenorio moved to approve execution of a Joint Election Agreement with Hays County Local Political Subdivisions for cost sharing related to elections. Council Member Selbera seconded the motion. All votes aye; motion carried 7-0.

V. Consider and Possible Action

12. Consider a request by Idea Public Schools, Larkin Tackett (Idea Kyle Academy - 74,819 sf.) for a conditional use permit to allow a school as required by Chapter 53 (Zoning) Section 1047 (Authorized Conditional Uses (8) of the City of Kyle, Code of Ordinances, which states schools, public and denominational, but not day care in all districts where not otherwise specifically permitted. (CUP-17-001) ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-0 to recommend approval of the request.

- Public Hearing

Item No. 12 Attachments

Mayor Webster brought forward Item No. 12 for discussion. Mr. Koontz presented the item.

Mayor Webster opened the public hearing at 7:45 p.m.

Rachel Montez spoke against Agenda Item No. 12. She stated that she lives at Bluestem and Goldenrod and has concerns with privacy and traffic. She stated that she understands there will be a buffer between the school and the neighborhood. Ms. Montez said she did not know about this until she received a letter from the City. She stated that she does not know what it will do to her neighborhood and her taxes. She would prefer to have nothing there and would like to state her opposition.

With no one else wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 7:47 p.m.

Mayor Webster gave the floor to Council Member Tenorio who asked City Attorney Frank Garza to ensure her constituents that although her husband is on the Hays CISD School Board she is able to vote on this item. Mr. Garza stated that based on Chapter 171 of the Texas Government Code and the City's Ethics Code there is no prohibition for Council Member Tenorio even though her husband sits on the Hays CISD School Board.

Council Member Selbera moved to approve a conditional use permit to allow a school as required by Chapter 53 (Zoning) Section 1047 (Authorized Conditional Uses (8) of the City of Kyle, Code of Ordinances, which states schools, public and denominational, but not day care in all districts where not otherwise specifically permitted. Mayor Pro Tem Fogley seconded the motion.

There was discussion on the motion. Council Member Tenorio stated that she would be voting against the item not because her husband is on the school board, but because the congestion on that road is already heavy and she does not see how the road can sustain two elementary schools on the same road. Mayor Webster stated that the property has been previously advertised for a multifamily large-scale apartment development, which has caused previous public outcry.

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 9

Kyle City Hall

Mayor stated his support for the project in general. He said that this is a land use issue, and is a significant improvement over the type of land use that is vested by right to the property.

Motion carried 6-1 with Council Member Tenorio dissenting.

13. Consider and possible action to approve a Resolution of the City of Kyle, Texas approving and authorizing PID Financing Agreement, approval of form of Service and Assessment Plan, and approval of form of Acquisition and Reimbursement Agreement related to Blanco River Ranch. ~ *Jon Snyder, PIDWorks*
Item No. 13 Attachments

Mayor Webster brought forward Item No. 13 for discussion. Mr. Snyder presented the item. He stated that a correction to Section 3 would be needed if Council were considering approval. He stated Council will only be approving the form of the Service and Assessment Plan and provided the proposed language to Mayor Webster.

Mayor Webster moved to approve a Resolution of the City of Kyle, Texas approving and authorizing PID Financing Agreement, approval of form of Service and Assessment Plan, and approval of form of Acquisition and Reimbursement Agreement related to Blanco River Ranch with an amended Section Three to read as follows, after the underlined "Approval of Service and Assessment Plan," insert, "The city will approve," before where it says "The Service and Assessment Plan." On the second line of Section 3, strike "is hereby approved." On line three after Exhibit B, insert "upon satisfaction of the conditions and in accordance with the terms set forth in the PID Financing Agreement." Then strike everything after "and deliver". Council Member Wilson seconded the motion.

There was discussion on the motion. Council Member Tenorio stated that she would be voting no against PIDs, as she believes that PIDs are double taxation without representation. She believes they force homeowners to pay twice for infrastructure improvements to their neighborhoods and the "I" in PID stands for improvements not to start the development. Council Member Arabie asked when the amendment was developed. Mr. Snyder stated that it was noticed just before the meeting. Mr. Sellers spoke, stating that it had been changed in other areas, and this one was just missed. He stated that had the motion passed as it was, it would say the same general thing, but the amendment provides clarifying language.

Motion carried 6-1 with Council Member Tenorio dissenting.

14. Consider and possible action to approve a resolution of the City of Kyle renaming portions of Goforth Road to Philomena Drive and Bunton Creek Road to support increased efficiency and decreased response times for emergency services personnel; to promote increased clarity for parcel delivery related services; and provide increased clarity to residents and businesses as the City of Kyle grows; holding a public hearing and providing for related matters in accordance with the City of Kyle, Code of Ordinances, Secs. 38-332, 38-333, and 38-334. ~ *William Atkinson, City Planner*
 - Public HearingItem No. 14 Attachments

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 10

Kyle City Hall

Mayor Webster brought forward Item No. 14 for discussion. Mr. Atkinson presented the item.

Mayor Webster opened the public hearing at 8:12 p.m.

Kate Johnson spoke as Chair of the Hays County Historical Commission. She stated that their mission statement is to preserve the historical and cultural resources. Ms. Johnson stated that Goforth Road supported the City of Kyle and its agricultural community. She said that it was a center of cotton production for all of Hays County and had a very important Mexican-American school that was known throughout the state. She suggested that if parts of it are to be changed, why not to a prominent rancher family. Ms. Johnson continued that Philomena is a made up name without connection to Goforth, and she would like to see a road named for Kyle's heritage.

Julie Snyder, CEO of the Kyle Area Chamber of Commerce spoke. She recognized Samantha Arrevalo, Membership Director, who led the grassroots effort to inform business owners of this proposed change. She stated that the Chamber did not intend express support or oppose this effort, but rather to make the businesses aware of the name change and invite them to the public meetings. Ms. Snyder spoke about the Chamber's partnership with Google, called "Put Kyle on the Map" which provides a quicker turnaround time for verification. She stated that in working with the postmaster, no one would need to file a change of address. She stated that the Chamber's goal, should Council pass this resolution, would be to notify all businesses, not just the affected businesses.

With no one else wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 8:19 p.m.

Mayor Webster moved to approve a resolution of the City of Kyle renaming portions of Goforth Road to Philomena Drive and Bunton Creek Road to support increased efficiency and decreased response times for emergency services personnel; to promote increased clarity for parcel delivery related services; and provide increased clarity to residents and businesses as the City of Kyle grows, with an amendment that the resolution shall take effect 90 days from today. Council Member Selbera seconded the motion.

There was discussion on the motion. Council Member Wilson thanked the Chamber and its members for their efforts regarding this item in helping the City and business owners. He also thanked City Staff to include Will Atkinson, the Fire Department, the Police Department, and the Post Office. He stated that Mark Shultz provided clarity regarding the challenges for emergency personnel. Council Member Mitchell credited Mr. Sellers with bringing this solution forward. He stated that in exchange for about 10% of Goforth Road to be renamed, is clarity where there was confusion and efficiency where there was inefficiency. Mayor Pro Tem Fogley stated from his perspective as a business owner on Goforth Road they have had issues with deliveries being lost and delayed, which has hindered his business's customer service. He stated his support for the change.

Motion carried 6-1 with Council Member Tenorio dissenting.

15. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 38.78 acres of land from Entertainment

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 11

Kyle City Hall

District 'E' to Warehouse District 'W' for property located at 24801 N. IH-35, in Hays County, Texas. (FM 158 Land, Ltd. - Z-17-012) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 3-2 to recommend approval of the request.

- Public Hearing

Item No. 15 Attachments

Mayor Webster brought forward Item No. 15 for discussion. Mr. Koontz presented the item.

Mayor Webster opened the public hearing at 8:35 p.m.

Steve Ramsey, Ramsey Engineering, spoke on behalf of the owner of FM 158 Land, Ltd. He stated that Mr. Coleman is out of state and therefore is unable to attend. He stated that last month Warehouse was unanimously approved as a conditional use, and now they are following up with the next appropriate step. Mr. Ramsey spoke about demand for the business they are approving. He provided materials related to their proposed project to Council.

William "Pete" Oppel spoke about his opposition to this item as a Planning & Zoning Commissioner. He stated that the comprehensive plan states to avoid abrupt shifts in zoning when transitioning from the regional node to an adjoining node, and he felt this zoning, which was neither recommended or allowed conditionally, constituted an abrupt change in zoning.

With no one else wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 8:40 p.m.

Council Member Tenorio left the dais at 8:45 p.m.

Council Member Arabie moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 38.78 acres of land from Entertainment District 'E' to Warehouse District 'W' for property located at 24801 N. IH-35, in Hays County, Texas. Council Member Selbera seconded the motion. All votes aye; motion carried 6-0. Council Member Tenorio was absent for the vote.

16. (Second Reading) An ordinance of the City Council of the City of Kyle, Texas to repeal Chapter 38, Division 2, Paragraphs 38-41 thru 38-44, and to amend the City's Official Code of Ordinances Chapter 47 in its entirety, to prescribe the lawful time, manner, and place for parking, stopping, and/or standing of automobiles and trailers upon both public rights of way and private property, providing a penalty for violations, providing for severability, and providing an effective date. ~ *James R. Earp, Assistant City Manager*
Item No. 16 Attachments

Mayor Webster brought forward Item No. 16 for discussion. Mr. Earp presented the item. Council Member Tenorio returned to the dais at 8:46 p.m. During Council discussion, Mayor Pro Tem Fogley asked Mr. Mark Schultz, Assistant Fire Chief, to explain what the consequences are for non-compliance with the International Fire Code. Mr. Schultz stated that once they park their apparatus, they block the whole street and no one can pass. He said if an ambulance were behind the parked apparatus, they would have to back out of the area. Council Member Tenorio asked Mr. Schultz is opinion on one-way parking on one side of the street. Mr. Schultz stated that he

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 12

Kyle City Hall

was hesitant to make a blanket statement that may not apply to the entire city. Council discussion continued.

Council Member Arabie moved to approve an ordinance of the City Council of the City of Kyle, Texas to repeal Chapter 38, Division 2, Paragraphs 38-41 thru 38-44, and to amend the City's Official Code of Ordinances Chapter 47 in its entirety, to prescribe the lawful time, manner, and place for parking, stopping, and/or standing of automobiles and trailers upon both public rights of way and private property, providing a penalty for violations, providing for severability, and providing an effective date, with an amendment of striking section 47.26 (b), (c), and (d). Council Member Mitchell seconded the motion.

There was discussion on the motion. Mayor Webster thanked Council, staff, and citizens for working through this, and stated that if the motion passes it will be considered as first reading.

Motion carried 6-1 with Council Member Tenorio dissenting.

17. Consider a waiver request by DS Integrity Investments, LLC. from Chapter 53-33 (n) (3) (Chart 4) to exceed the maximum parking for property located at 809 W. Center Street. (Capstone Dental - W-17-002) ~ *Howard J. Koontz, Director of Planning and Community Development*
Item No. 17 Attachments

Mayor Webster brought forward Item No. 17 for discussion. Mr. Koontz presented the item.

Council Member Tenorio moved to approve a waiver request by DS Integrity Investments, LLC. from Chapter 53-33 (n) (3) (Chart 4) to exceed the maximum parking for property located at 809 W. Center Street. Mayor Pro Tem Fogley seconded the motion.

Motion carried 6-1 with Council Member Arabie dissenting.

18. Consider a request by Liyan Bao for a waiver from the minimum standards provided by Section 41-82 Rural Subdivision Standards for property located at 105 B Sunrise Drive. (W-17-003 - Sunrise Acres Replat, Lot 81) ~ *Howard J. Koontz, Director of Planning and Community Development*
 - Minimum street frontage requirementItem No. 18 Attachments

Mayor Webster brought forward Item No. 18 for discussion. Mr. Koontz presented the item.

Council Member Tenorio moved to approve a request by Liyan Bao for a waiver from the minimum standards provided by Section 41-82 Rural Subdivision Standards for property located at 105 B Sunrise Drive. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

19. Consider a waiver request by William R. Holms from the minimum standards for parking in the Warehouse (W) zoning district provided by Section 53-33, Chart 4. (Holms Self Storage) ~ *Howard J. Koontz, Director of Planning and Community Development*
 - To reduce parking to only seven (7) spaces

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 13

Kyle City Hall

Item No. 19 Attachments

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

Council Member Wilson moved to approve a waiver request by William R. Holms from the minimum standards for parking in the Warehouse (W) zoning district provided by Section 53-33, Chart 4. Council Member Mitchell seconded the motion.

There was discussion on the motion. Council Member Arabie stated that by approving this the Council would say that we would allow things that we do not want. Mayor Webster stated that he believes if they do not approve it they will have a worse problem, and all things considered, he does prefer a higher better use. Council Member Arabie stated that this is a hardship on the business owner at this part to decide whether to continue the project. Council Member Mitchell stated that variances depend on hardship, as Council Member Arabie said, and this item meets the spirit of that. He continued that the owner has the warehouse rights.

Mayor Webster requested a roll call vote. Council Member Mitchell voted aye, Council Member Tenorio voted nay, Mayor Pro Tem Fogley voted nay, Council Member Selbera voted aye, Mayor Webster voted aye, Council Member Wilson voted aye, and Council Member Arabie voted nay. Motion carried 4-3.

VI. City Manager's Report

20. 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*
- Fourth of July Recap
 - July 29, 2017 Special Council Budget Meeting
- Item No. 20 Cover Sheet

Mr. Sellers reminded council and citizens of the July 29, 2017 Special Council Budget Meeting to begin at 8:00 a.m. Chief Barnett provided an overview of the July 4, 2017 fireworks ban. Mayor Webster stated that the planning and cooperation amongst staff to include the communications ahead of time worked. He stated his appreciation for staff. Council Member Wilson stated that he heard nothing but positive feedback.

VII. Executive Session

21. 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.
 - Possible purchase of real estate
 3. Personnel matters pursuant to Section 551.074.
 4. Economic Development negotiations pursuant to Section 551.087.

CITY COUNCIL MEETING MINUTES

July 18, 2017 – Page 14

Kyle City Hall

Item No. 21 Cover Sheet

Mayor Webster 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: possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - Possible purchase of real estate. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

The City Council convened into executive session at 10:21 p.m.

22. Take action on items discussed in Executive Session.

Item No. 22 Cover Sheet

Mayor Webster moved to reconvene into open session. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 11:04 p.m. Mayor Pro Tem Fogley announced that no action took place in Executive Session but action would be taken now.

Mayor Pro Tem Fogley moved to authorize mayor and the city manager to negotiate and execute the purchase of property adjacent to the Library. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

Mayor Pro Tem Fogley moved to authorize the purchase of the property located at 0 N. Burleson Rd. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

VIII. ADJOURN

Council Member Tenorio moved to adjourn. Council Member Wilson seconded the motion. Motion carried 6-1 with Council Member Mitchell dissenting.

With no further business to discuss, the City Council adjourned at 11:06 p.m.

R. Todd Webster, Mayor

Attest: Jennifer A. Vetrano, City Secretary