

## REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on October 2, 2013, at 7:00 pm at Kyle City Hall, with the following persons present:

Mayor Lucy Johnson  
Mayor Pro Tem Samantha LeMense  
Council Member Diane Hervol  
Council Member Becky Selbera  
Council Member Ray Bryant  
Council Member Chad Benninghoff  
Council Member David Wilson  
Lanny Lambert, City Manager  
James Earp, Asst. City Manager  
Perwez Moheet, Finance Director  
Jerry Hendrix, Director of Communications  
Sandra Duran, HR Director  
Kerry Urbanowicz, Director Parks and Rec  
Connie Brooks, Library Director  
Sophia Nelson, Director of Planning  
Mark Shellard, I T Director  
Jeff Barnett, Police Chief  
Cody Faulk, City Attorney

Mike Fulton  
Jerry Kolacny  
James Adkins  
Emily Whitten

### CALL MEETING TO ORDER

Mayor Johnson called the meeting to order at 7:02 P.M.

### ROLL CALL

Mayor Johnson called for roll call. Present were Mayor Pro Tem LeMense, Council Member Hervol, Council Member Selbera, and Council Member Bryant, Council Member Benninghoff, and Council Member Wilson.

### APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING - SEPTEMBER 17, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Council Member Hervol moved to approve the City Council Regular Meeting minutes of September 17, 2013. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

### CITIZEN COMMENT PERIOD WITH CITY COUNCIL

## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 2

Kyle City Hall

Mayor Johnson opened the citizens comment period at 7:04 P.M. and called for comments on items not on the agenda or posted for public hearing. Mike Fulton spoke and stated our city was more than \$70 million dollars in debt, our taxes and sewage fees are increasing each year, drawing from the utility fund to keep the budget going and lots of work to be done. Growing city needs to have businesses to help offset the increased property tax with increased sales tax, and asked the Council to approve the MUD but also implement anti idling laws to prevent trucks idling all day long. Jerry Kolacny spoke and stated Council had an agenda item coming up about beatification of the downtown area and street planning. He stated as a resident of the historic part of Kyle he would ask them to do something else, such as planning for the problems with sewage backups, drainage, flooding, and sidewalks in the original town of Kyle. James Adkins spoke about people complaining about increase in taxes but no revenue coming in and that this proposed development is off of IH35 and didn't understand why the people from San Marcos were here and were not tax payers. He asked the Council to listen to his constituents. Emily Whitten spoke stated she paid school taxes and objects to the truck stop at Yarrington is because of the kids and traffic and didn't think it was good for the neighborhood and felt that she had a right to voice her objections because it would affect her quality of life in the Blanco Vista subdivision. Melissa (last name?) spoke and stated she was the wife of a retired trucker and that they are people too. She stated she needed him to have a safe place for him to be when he was out trucking. With no one else wishing to speak Mayor Johnson closed Citizen's Comments at 7:15 P. M.

## PRESENTATION

PRESENTATION OF EMPLOYEE OF THE MONTH FOR THE MONTH OF SEPTEMBER ~ *LANNY LAMBERT, CITY MANAGER*

- Genevieve Nino-Natal, Mental Health Police Officer

City Manager Lanny Lambert introduced Genevieve Nino-Natal as employee of the month.

RECOGNITION OF DENNIS BAILEY BY THE CITY OF KYLE FOR SERVING ON THE PARKS & RECREATION COMMITTEE FROM APRIL 2004 - SEPTEMBER 2013 ~ *KERRY URBANOWICZ, DIRECTOR OF PARKS & RECREATION*

Kerry Urbanowicz recognized Dennis Bailey for his years of service to the City on the Parks Board.

## PROCLAMATIONS

## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 3

Kyle City Hall

PROCLAMATION OF THE CITY OF KYLE, TEXAS PROCLAIMING WEDNESDAY, OCTOBER 2, 2013 AS "BRANDON SCAWTHORN DAY" IN THE CITY OF KYLE, TEXAS ~ *LUCY JOHNSON, MAYOR*

Mayor Johnson and Council read a proclamation to Brandon Scawthorn for culinary skills and for a spot on Rachel Ray show.

PROCLAMATION OF THE CITY OF KYLE, TEXAS PROCLAIMING THE MONTH OF OCTOBER 2013 AS "COMMUNITY PLANNING MONTH" IN THE CITY OF KYLE, TEXAS ~ *LUCY JOHNSON, MAYOR*

Mayor Johnson invited the Planning and Zoning Members, Parks and Recreation Members, and Long Range Planning Members, both past and present to come up and join the Council Members for the Proclamation honoring their time to community planning.

PROCLAMATION OF THE CITY OF KYLE, TEXAS PROCLAIMING THE MONTH OF OCTOBER 2013 AS "TURKEYS TACKLING HUNGER MONTH" IN THE CITY OF KYLE, TEXAS ~ *LUCY JOHNSON, MAYOR*

Mayor Johnson and Council Members present a Proclamation of the City of Kyle, Texas Proclaiming the Month of October 2013 as "Turkeys Tackling Hunger Month" to the Hays County Food Bank and thank them for all the services to the families of Kyle and Hays County

## APPOINTMENTS

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE KYLE AREA YOUTH ADVISORY COUNCIL ~ *LUCY JOHNSON, MAYOR*

- Lehman High School Students (new appointments to two year terms)
- Hays High School Students (new appointments to two year terms)

Mayor Johnson move to appoint Carly Hogue, Terrah Friesenhahn, Ranson Moore, Meagan Richards Dees, Saya Davis, Gabriel Doria, Andrew Garza, Neriah Sosa, Andy Garza, Melissa Alvarez, Jordan Mitchell and Aidan O'Keefe to the Kyle Area Youth Advisory Council. Council Member Bryant seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE LIBRARY BOARD ~ *LUCY JOHNSON, MAYOR*

- Barbara Pelech

CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 4

Kyle City Hall

Mayor Johnson move to appoint Barbara Pelech to the to the Library Board. Council Member Hervol seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE PLANNING AND ZONING COMMISSION ~ *LUCY JOHNSON, MAYOR*

- Shane Arabie
- Irene Melendez

Mayor Johnson moved to appoint Shane Arabie and Irene Melendez to the Planning and Zoning Commission. Council Member Hervol seconds the motion. All aye. Motion carried.

CONSENT AGENDA

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO ALL TRADES REPAIR SERVICE OF KYLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$4,300.00 TO PROVIDE ELECTRICAL SERVICE AND REPAIRS FOR SPECIFIED CITY FACILITIES DURING FISCAL YEAR 2013-14. ~ KERRY URBANOWICZ, DIRECTOR OF PARKS & RECREATION

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO CHRISTIAN BROTHERS AUTOMOTIVE OF KYLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$13,500.00 TO PROVIDE FLEET VEHICLE SERVICE AND REPAIRS FOR THE PARKS AND RECREATION DEPARTMENT VEHICLES DURING FISCAL YEAR 2013-14. ~ KERRY URBANOWICZ, DIRECTOR OF PARKS & RECREATION

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO MADERO AIR & HEATING OF BOERNE, TEXAS IN AN AMOUNT NOT TO EXCEED \$13,350.00 TO PROVIDE HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SERVICE AND REPAIRS FOR SPECIFIED CITY FACILITIES DURING FISCAL YEAR 2013-14. ~ KERRY URBANOWICZ, DIRECTOR OF PARKS & RECREATION

(SECOND READING) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ADOPTING A NAMING POLICY FOR PUBLIC PLACES; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ LANNY LAMBERT, CITY MANAGER

Mayor Pro Tem LeMense moved to approve Consent Agenda **Item # 10** ~ Authorize award and execution of a Purchase Order to ALL TRADES REPAIR SERVICE of Kyle,

## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 5

Kyle City Hall

Texas in an amount not to exceed \$4,300.00 to provide electrical service and repairs for specified City facilities during Fiscal Year 2013-14; **Item # 11** ~ Authorize award and execution of a Purchase Order to CHRISTIAN BROTHERS AUTOMOTIVE of Kyle, Texas in an amount not to exceed \$13,500.00 to provide fleet vehicle service and repairs for the Parks and Recreation Department vehicles during Fiscal Year 2013-14; **Item # 12** ~ Authorize award and execution of a Purchase Order to MADERO AIR & HEATING of Boerne, Texas in an amount not to exceed \$13,350.00 to provide heating, ventilation and air conditioning (HVAC) service and repairs for specified City facilities during Fiscal Year 2013-14; **Item # 13** ~ (*Second Reading*) An Ordinance of the City of Kyle, Texas, adopting a Naming Policy for Public Places; Making findings of fact; And providing for related matters. Council Member Hervol seconds the motion. All aye. Motion carried.

Mayor Johnson stated that she had received several requests to move to Item #19 and asked for Council approval to do so and all agreed.

(*First Reading*) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 47.74 ACRES OF LAND FROM 'AG' AGRICULTURE TO A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT 'PUD' WITH A BASE ZONING DESIGNATION OF RETAIL SERVICES 'RS' AND MULTI-FAMILY RESIDENTIAL 'R-3-3', ON PROPERTY LOCATED AT 24800 S. IH-35 (THE PROPERTY BOUNDED BY YARRINGTON ROAD ON THE SOUTH, I-35 ACCESS ROAD ON THE EAST AND POST ROAD ON THE WEST), IN HAYS COUNTY, TEXAS. (PGI INVESTMENTS, LLC, Z-13-003); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

*Planning and Zoning Commission voted 5-2 to approve the rezone request with conditions listed in staff report.*

## PUBLIC HEARING

Mayor Johnson open the Public Hearing at 7:45 P.M. to hear comments on Rezoning approximately 47.74 acres of land from 'AG' Agriculture to Planned Unit Development Overlay District 'PUD' with a base Zoning designation of Retail Services 'RS' and Multi-Family Residential 'R-3-3', on property located at 24800 S. IH 35. Louis Obdyke spoke against the truck stop based on health and human issues due to diesel, noise, pollution, and traffic and asked the City Council to vote against it.

## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 6

Kyle City Hall

Kate Johnson spoke on behalf of the Hays County Historical Commission and the historical importance of this piece of land known as Yarrington Springs and the importance of the preservation of this site. Lila Knight spoke against the truck stop and stated there were many reasons to deny this PUD request. She passed out a handout to Council which she stated was a true mixed development from another state and one with what is being proposed here and stated the future of Kyle was in Council's hands. Paula Hamilton spoke against the truck stop and had questions regarding security and availability of water, the City's preparedness in case of a fire there and the costs of repair to roads. Ronnie Vasquez spoke and stated that he lived near the area where the proposed truck stop was going and stated he now know how the east side felt with the noise from the race track that he could hear at midnight from his residence. He stated that the city was saying they would not be allowed to idle but they would. Charles Thompson spoke asked what this truck stop would do for Kyle and if the approved it the city would be known as having the biggest truck stop in Texas and not consistent with the development in the area and that it was a bad decision if allowed. John Aultman spoke and stated that the truck stop would have a negative impact , towering over the neighborhood, noise, pollution and trucks idling and transients loitering with children nearby in schools, parks and church. Phillip Amos spoke managing member of mobile home park from Arizona, near the proposed truck stop and stated he had not been contacted and just heard about it. He stated he and the residents were opposed to this development and it does not conform to the Comprehensive Plan use with additional concerns about the proposed LED sign. Mr. Amos handed Mayor Johnson petitions opposing the truck stop. Michael Watkins, a cardiologist spoke and stated his concerns about the pollution created by this development and the children breathing in this polluted air. Julie Watkins did not speak and allowed Mr. Amos to use her time but also opposes the truck stop. Daphne Tenorio spoke stated that this truck stop would be catastrophic for the city with the additional traffic it would bring, pollution and that the city needed to plan for the future and asked Council to pull back on this project. Nathan Houser agreed with all the comments made by everyone against the truck stop, and although he lives in San Marcos they pay taxes and shop here and being disregarded by the previous speakers because he doesn't live here bothered him. Jay Joseph about his concern about the safety of children in the area for another revenue stream, a tax base and that ramifications are far reaching and asked Council to consider their vote on this project. Amy Burgess spoke and stated she not attended any meetings before but wrote letters to the Council. She asked Council not to let this further and asks them to reconsider. Nancy Moore spoke about a head on collision with a truck driven by a drunk driver leaving a rest area in Kyle 29 years ago. She stated that we have a responsibility to be stewards and asked Council to follow the Comprehensive Plan. Louis Lutto spoke and stated he brought pictures of other cities that have put in truck stops and passed them out to Council, showing how commercial growth comes with these truck stops. Frank Owen, a vet and father and that our law enforcement would be challenged, and that it would be

money for the few and not the many. He stated parents are very powerful and asked the Council with their conscience.

## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 7

Kyle City Hall

Annette Devon spoke and stated she had a petition against the truck stop and gave it to the Mayor. She stated people didn't know about this truck stop and asked the Council to vote no to the Yarrington project and that the developers know it is wrong to build a truck stop next to schools, churches and residential areas. Susan Meckle spoke stated that the truck stop would impact Kyle residents and property owners directly. She stated environmental concerns with a natural spring being rechanneled and conveyed over rocks, maintaining the natural environment and that there are 3 aquifers underlying this property. Arti Bhattacharya an attorney from Austin and stated safety is important to any community, and everyone knew the hours truckers work. She stated 35 is a part of Kyle and the least we could do was keep the truckers rested and safe and in turn that brings safety to our city and our children. She stated pollution is already here, and that there will be economic prosperity to the area. Katherine Loayza of Aztec Village stated she was a past city planner with 30 years experience with the City of Austin and that if you have a PUD the only way to get the benefits the PUD site plan shows is if you have specific ordinances very tightly written and clearly define the site development standards. She stated that this PUD would only benefit truckers and doesn't meet the city's requirements. Jerry Kolacny stated there had been a lot of talk about environmental concerns and that he was sorry the spring was destroyed but that the spring was on private property and that the spring is mentioned in the Texas Historical marker in front of his house, but if the City of Kyle or any of these people have environmental issues they should put their money where their mouth is and protect these features because they are vulnerable when they are located on private property along with trees that were also mentioned. and they should proceed with the PUD. Kristy Saucedo stated when she purchased her home in Blanco Vista she never dreamed a truck stop would be built there and that this would not even be discussed if it was not just for money and that she is against it. Rhianne Cannaday a resident of Champion Crossing Apartments and own a home in Kyle and pays taxes. She stated no one at the complex knew about this project. She stated that this was a lower income area and that if this property was located in an affluent area this would not be going on. Sally Simmers spoke and stated that last weekend she had passed out a petition and gotten many signatures and many had not even heard of it and she asked the Council to listen and that the citizens do not want this. Dan Ryan, Planning and Zoning Chairman spoke and stated that a lot of statements made tonight were misstatements and that he has attended all meetings and things have changed. He stated some are yelling 100' signs and this is not true. Some are yelling about pollution but they are meeting EPA standards and the Clean Air Act. He stated the concerns about truckers racing through neighborhoods taking children and wives is just not so with most truckers good people, and they have to look at what has been presented and how the developer has changed in a year. Abby Hurst spoke and took exception to the gentlemen's comment that their voice should not be heard.

## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 8

Kyle City Hall

She stated she lived here for ten years and her mother Adell Hurst had changed the face of the community and what was going on here now was just wrong. She stated they were not against business and wanted restaurants, stores and places to spend their money but didn't want a truck stop with 221 trucks idling all day long and asked Council not to let this happen. Abel Rodriguez spoke and stated he was a Kyle resident and tax payer and stated he loved when people from Austin came to give us their opinion when the first thing you see when you drive into Austin is an adult bookstore. He stated he was a social worker and worked with sex offenders and people with addictions. He stated he has asked some of these people where they do business and the reply is at truck stops. He stated we do not need this here and that it is not about the numbers it is about the people who live here and stated it was not up to the Council but up to the people. Paul Dehart spoke a Professor at Texas State spoke and also had concerns mentioned previously about child safety about human trafficking that goes on in these places and that they will lose home values with the truck stop located there. Alfred Zambrano, P&Z Commissioner spoke and stated he was here as a longtime citizen of Kyle and he is not against growth or business making profits but business at what costs? Michelle Christie spoke and stated she was a former P&Z member and that she voted yes for the travel center. She stated her decision was based on what she thought was best for the citizens of Kyle, and it seemed that in all discussions they were vilifying truck drivers and that there are some good and some bad, but most are hard working people. Bobby Montgomery spoke and stated she lived at Aztec Village and that it is a lower income group of people that live there and her concern is the children and asked the Council to reconsider this project. James Tountgate spoke and stated his opposition to the truck stop and wondered why they wanted this little parcel of land so badly, and that they would destroy old oak trees and the natural spring and asked Council to vote no. Shane Ararbe spoke and stated that the project for the truck stop fits and fits the Comp Plan and that it is a guideline and not set in stone. He stated the owner has a right to do with the property what he wants to do and that properties bring infrastructure to areas. Everett Johnson stated he had been around truck stops since childhood in Houston and politics destroyed towns like Pasadena and that they allowed anything and everything depending on who is in office at the time. He is opposed to the truck stop being located near homes, schools or churches. Linda Joseph stated she bought property in Blanco Vista and is very fearful and that she does not stop at truck stops. She asked the Council to reconsider and not do this. With no one wishing to speak Mayor Johnson closed the Public Hearing at 9:26 P.M.

Mayor Johnson stated she had spoken to the City Attorney and that there was an issue regarding the LOI's presented by the developer and also a request from a Council Member and asked the City Attorney to speak regarding the issue. Cody Faulk, City Attorney stated that as there were issues regarding private commercial and financial information under the Texas Open Meetings Act Council is allowed to go into Executive Session if Council would like to do so to deliberate and evaluate certain information they could do so at this time.



## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 9

Kyle City Hall

Mayor Johnson asked him to state the section on that. He replied that it was Section 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from business prospect by the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.

Mayor Johnson moved to go into Executive Session at 9.28 P.M. on item # 19 allowed by section 551.087 of the Texas Government Code. Council Member Selbera seconds the motion. Motion carried 6-1 with Mayor Pro Tem LeMense voting nay.

Mayor Johnson moved to reconvene into Open Session at 9.43P.M. Mayor Pro Tem LeMense seconds the motion. With Council Member Selbera off the dais. All aye. Motion carried.

Council Member Selbera returned to the dais at 9:44 P.M.

Mayor Johnson stated no action was taken during Executive Session.

Council Member Benninghoff moved to approve agenda item #19. Council Member Selbera seconds the motion. Mayor Johnson asked for clarification if this motion included P&Z recommendations. Council Member Benninghoff stated that is excluded them. Mayor Johnson asked for a roll call vote. Council Member Benninghoff voted aye, Council Member Wilson voted aye, Council Member Hervol voted nay, Mayor Pro Tem LeMense voted nay, Council Member Selbera voted aye, Mayor Johnson voted nay. Council Member Bryant voted nay. Motion fails 4-3.

Mayor Johnson moved to item #14.

## CONSIDER AND POSSIBLE ACTION

*(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 35.761 ACRES OF LAND FROM 'R-1-2' SINGLE FAMILY RESIDENTIAL-2 TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED OFF OF BUNTON LANE JUST EAST OF TWIN COVE, IN HAYS COUNTY, TEXAS. (BEAR RIVER LIMITED, LLP Z-13-012); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 10

Kyle City Hall

*Planning and Zoning Commission voted 7-0 to approve the rezone request.*

### PUBLIC HEARING

Mayor Johnson opened the Public Hearing at 10:45 P.M. to hear comments on re-zoning approx. 35.761 acres of land from 'R-1-2' SFR-2 to 'R-1-A' SF Attached. With no one wishing to speak Mayor Johnson closed the Public Hearing at 10:45 P.M.

Council Member Wilson moved to approve First Reading of an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of re-zoning approx. 35.761 acres of land from 'R-1-2' SFR-2 to 'R-1-A' SF Attached on property located off Bunton Lane, East of Twin Cove. Council Member Hervol seconds the motion. All aye. Motion carried.

*(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.2479 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED AT 400 S. BURLESON STREET, IN HAYS COUNTY, TEXAS. (TY & MONICA DAVIDSON Z-13-011); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning

*Planning and Zoning Commission voted 7-0 to approve the rezone request.*

### PUBLIC HEARING

Mayor Johnson opened the Public Hearing at 10:47 P.M. to hear comments on re-zoning approx. 0.2479 acres of land from 'R-1-' Single Family to 'R-1-A' SF Attached. With no one wishing to speak Mayor Johnson closed the Public Hearing at 10:47 P.M.

Council Member Hervol moved to approve First Reading of an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.2479 acres of land from 'R-1-' Single Family to 'R-1-A' SF Attached on property located at 400 S. Burleson Street. Mayor Pro Tem LeMense seconds the motion. All aye, Council Member Selbera was off the dais. Motion carried.

CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 11

Kyle City Hall

*(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.24 ACRES OF LAND FROM 'RS' RETAIL SERVICE TO 'R-1-T' RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT 101 CREEKSIDE TRAIL, IN HAYS COUNTY, TEXAS. (FISERV ISS FBO GREGORY LAHR Z-13-014); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning

*Planning and Zoning Commission voted 7-0 to approve the rezone request.*

PUBLIC HEARING

Mayor Johnson opened the Public Hearing at 10:49 P.M. to hear comments on re-zoning approx. 3.24 acres of land from 'R-S-' Retail Service to 'R-1-T' Residential Townhome. Jerry Kolacny spoke and asked if the zoning change applied and the property was sold how soon can an owner come back and request another change. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 10:50 P.M.

Sophia Nelson, Planning Director replied to the question by Mr. Kolacny and stated that there is no time limit once zoning change approved to request another change.

Council Member Wilson moved to approve First Reading on an Ordinance on re-zoning approx. 3.24 acres of land from 'R-S-' Retail Service to 'R-1-T' Residential Townhome on property located at 101 Creekside Trail. Council Member Hervol seconds the motion. All aye. Motion carried.

*(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.254 ACRES OF LAND FROM 'R-1' RESIDENTIAL-1 TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 705, 709 & 711 N. OLD HWY 81, IN HAYS COUNTY, TEXAS. (KARLYN ELLIS Z-13-010); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS

OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

#### CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 12

Kyle City Hall

*Planning and Zoning Commission voted 7-0 to approve the rezone request with the condition outlined in staff report*

#### PUBLIC HEARING

Mayor Johnson opened the Public Hearing at 10:54 P.M. to hear comments on re-zoning approx. 3.254 acres of land from 'R-1-' Residential-1 to 'R-1-T' RS Retail Service District. With no one wishing to speak Mayor Johnson closed the Public Hearing at 10:54 P.M.

Council Member Hervol moved to approve an Ordinance amending Chapter 53 of the City of Kyle, Texas for the purpose of re-zoning approx. 3.254 acres of land from 'R-1-' Residential-1 to 'R-1-T' RS Retail Service. Council Member Bryant seconds the motion. Council Member Wilson asked for clarification on the motion and asked if the motion was made based on the staff report changes. Council Member Hervol replied yes with staff changes of rezoning the 2 southern lots to 'RS' and the northern most lot Community Commercial. All aye. Motion carried

*(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.67 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-T' RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF PORTER AND COCKERHAM, IN HAYS COUNTY, TEXAS. (ALAN & SHARON LOWDEN Z-13-013); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

*Planning and Zoning Commission voted 7-0 to approve the rezone request.*

#### PUBLIC HEARING

Mayor Johnson opened the Public Hearing at 10:57 P.M. to hear comments on re-zoning approx. 3.67 acres of land from 'R-1 SF' to 'R-1-T' Residential Townhome on property located at the NW corner of Porter and Cockerham. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 10:57 P.M.

CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 13

Kyle City Hall

Council Member Hervol moved to approve an Ordinance amending Chapter 53 of the City of Kyle, Texas for the purpose of re-zoning approx. 3.67 acres of land from 'R-1 SF to 'R-1-T Residential Townhome on property located at the NW corner of Porter and Cockerham. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

CONSIDERATION AND POSSIBLE ACTION REGARDING A FEE WAIVER REQUEST FOR THE SITE DEVELOPMENT APPLICATION IN THE AMOUNT OF \$1,581.92 FROM THE FRIENDS OF THE KYLE LIBRARY FOR THEIR PLANNED ADDITION TO THE LIBRARY THRIFT SHOP ~ *WYNETTE BARTON, PRESIDENT, FRIENDS OF THE KYLE LIBRARY*

Mayor Johnson moved to approve a fee waiver request for the site development application in the amount of \$1,581.92 from the Friends of the Kyle Library for their planned addition to the Library Thrift Shop. Council Member Hervol seconds the motion. All aye. Motion carried.

CONSIDERATION AND POSSIBLE ACTION REGARDING THE CITY COUNCIL GOALS FOR 2014 ~ *LUCY JOHNSON, MAYOR*

Council Member Wilson moved to approve the goals as discussed with a focus on Economic Development. Council Member Benninghoff seconds the motion. All aye. Motion carried.

RECOMMENDATION FROM THE PARKS COMMITTEE REGARDING THE PROPOSAL FROM THE YMCA OF AUSTIN ~ *LUCY JOHNSON, MAYOR*

Mayor Pro Tem LeMense moved to not accept the proposal from YMCA of Austin. Council Member Wilson seconds the motion. All aye. Motion carried.

CONSIDER RATIFYING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH NEPTUNE-WILKINSON ASSOCIATES INC., OF AUSTIN, TEXAS, TO PERFORM SITE DEVELOPMENT PLAN AND SUBDIVISION PLAN REVIEWS ON A TIME EXPENDED AND CHARGES INCURRED BASIS AT SPECIFIED HOURLY RATES AS INTERIM CITY ENGINEER. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Selbera moved to approve ratifying a professional engineering services agreement with NEPTUNE-WILKINSON ASSOCIATES INC., of Austin, Texas, to perform site development plan and subdivision plan reviews on a time expended and charges incurred basis at specified hourly rates as Interim City Engineer. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 14

Kyle City Hall

A RESOLUTION OF THE CITY OF KYLE, TEXAS, RECOGNIZING TEXAS STATE SENATORS DONNA CAMPBELL AND JUDITH ZAFFIRINI, AND TEXAS STATE REPRESENTATIVE JASON ISAACS FOR THEIR SUPPORT IN PASSING TEXAS STATE SENATE BILL 1086 (SB 1086) DURING THE 83RD REGULAR LEGISLATIVE SESSION AND SECURING A MEANS TO COMPEL INVESTOR OWNED UTILITIES TO PROVIDE PROPERLY PAINTED FIRE HYDRANTS IN THE CITY OF KYLE NEIGHBORHOODS ALLOWING FIREFIGHTERS THE ABILITY TO USE THE APPROPRIATE HYDRANTS IN THEIR DUTY TO PROTECT KYLE'S RESIDENTS. ~ *Jerry Hendrix, Director of Community Development*

Council Member Selbera moved to approve A Resolution of the City of Kyle, Texas recognizing Texas State Senators Donna Campbell and Judith Zaffirini, and Texas State Representative Jason Isaac for their support in passing Texas State Senate Bill 1086 (SB 1086) during the 83rd regular Legislative session and securing a means to compel investor owned utilities to provide properly painted fire hydrants in the City of Kyle neighborhoods allowing Firefighters the ability to use the appropriated hydrants in their duty to protect Kyle's residents. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

Mayor Pro Tem LeMense left the meeting at 11:22 P.M.

A RESOLUTION OF THE CITY OF KYLE, TEXAS NOMINATING MIKE FULTON TO THE HAYS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS IN ACCORDANCE TO § 6.07 OF THE TEXAS PROPERTY TAX CODE; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE. ~ *Lanny Lambert, City Manager*

Council Member Benninghoff moved to approve a Resolution of the City of Kyle, Texas nominating Mike Fulton to the Hays County Appraisal District Board of Directors in accordance to 6.07 of the Texas Property Tax Code; Declaring a public purpose; Incorporating recitals; Providing for Severability and Setting and Effective Date. Council Member Wilson seconds the motion. All votes aye. Motion carried.

## CITY MANAGERS REPORT

UPDATE ON VARIOUS CAPITAL IMPROVEMENT PROJECTS, ROAD PROJECTS, BUILDING PROGRAM, AND/OR GENERAL OPERATIONAL ACTIVITIES ~ *LANNY LAMBERT, CITY MANAGER*

## CITY COUNCIL REGULAR MEETING

October 2, 2013 – Page 15

Kyle City Hall

1. Discuss City Council Goals for 2014 document
  2. Discuss 2013 TML Conference, October 8 - 11, 2013
  3. Discuss proposed calendar for hiring City Attorney
  4. Discuss City Council Workshops
- Thursday, October 3, 2013-7:00 p.m.-ESD #5 Workshop
  - Thursday, October 3, 2013-8:15 p.m.-LED Sign Ordinance Workshop
  - Tuesday, October 22, 2013-7:00 p.m.-Lone Star Rail Public Transit Workshop
  - Tuesday, October 22, 2013-8:00 p.m.-Plum Creek PID Workshop

City Manager Lanny Lambert stated everything was attached and due to the time would not go over it but reminded them about workshops and interviews for Judge.

### EXECUTIVE SESSION

Mayor Johnson stated the Executive Session was not needed.

CONVENE INTO EXECUTIVE SESSION PURSUANT TO TEX. GOV'T. CODE, § 551.087, DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE IN THE CITY COUNCIL'S DISCRETION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

### ADJOURN

With no further business to discuss Council Member Selbera moved to adjourn. Council Member Hervol seconds the motion. All votes aye. Motion carried.

The City Council meeting adjourned at 11:25 P M.

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Lucy Johnson, Mayor

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Amelia Sanchez, City Secretary