

The City Council of the City of Kyle, Texas met in Regular Session on May 5, 2015, at 7:00 p.m. at Kyle City Hall, with the following persons present:

Mayor Todd Webster  
Mayor Pro Tem Diane Hervol  
Council Member Samantha Bellows  
Council Member Becky Selbera  
Council Member Tammy Swaton  
Council Member Shane Arabie  
Council Member David Wilson  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Cody Faulk, City Attorney  
Perwez Moheet, Finance Director  
Jerry Hendrix, Chief of Staff  
Mario Perez, Building Official  
Connie Brooks, Library Director  
Sandra Duran, HR Director  
Pedro Hernandez, Captain PD

James Wilson  
Evalina Solis

#### CALL MEETING TO ORDER

Mayor Webster called the meeting to order at 7:03 p.m.

#### ROLL CALL

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

Mayor Webster stated that Council Member Bellows had called and would be arriving soon.

Council Member Bellows arrived at 7:20 p.m.

#### APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING – APRIL 21, 2015 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Mayor Pro Tem Hervol moved to approve the minutes of the City Council Regular Meeting of April 21, 2015. Council Member Arabie seconds the motion. All aye. Motion carried 6-0.

#### CITIZEN COMMENT PERIOD WITH CITY COUNCIL

THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS EARLY IN THE AGENDA OF REGULAR MEETINGS. THOSE WISHING TO SPEAK MUST SIGN IN

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BEFORE THE MEETING BEGINS AT THE KYLE CITY HALL. SPEAKERS MAY BE PROVIDED WITH AN OPPORTUNITY TO SPEAK DURING THIS TIME PERIOD, AND THEY MUST OBSERVE THE THREE-MINUTE TIME LIMIT.

Mayor Webster opened the Citizens Comments at 7:02 p.m. James Wilson spoke about the Bunton Creek PID and that the residents did not like the liens placed on their properties and wanted the illegal liens lifted immediately to enjoy their properties and encourage prospective new residents. Evalina Solis spoke and thanked the council for the proclamation as May 15th to wear purple day on behalf of the lupus foundation. She stated she was diagnosed with lupus and effects many people and hoped cure would be found someday. With no one else wishing to speak Mayor Webster closed Citizens Comments at 7:07 p.m.

CONSENT AGENDA

*(SECOND READING)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CHAPTER 29, "SIGN STANDARDS AND PERMITS" OF THE CITY'S CODE OF ORDINANCES RELATIVE TO PERMITTING EXISTING OFF-PREMISE COMMERCIAL BILLBOARDS TO BE CONVERTED TO CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS ("CEVMS") SUBJECT TO SPECIFIC APPROVAL OF THE CITY COUNCIL; AMENDING SECTION (N) 'SUNSET' OF THE SIGN REGULATIONS TO BE CONSISTENT WITH THE ABILITY TO CONVERT EXISTING COMMERCIAL BILLBOARDS INTO CEVMS; REPEALING ALL CONFLICTING ORDINANCES; REQUIRING A SIGN FACE EXCHANGE RATIO FOR DIGITAL DISPLAY SIGNS; PROVIDING OPERATIONAL REQUIREMENTS TOR DIGITAL DISPLAY SIGNS. ~ *MARIO PEREZ, BUILDING OFFICIAL*

*Planning and Zoning Commission voted 5-2 to recommend approval*

*(SECOND READING)* AN ORDINANCE BY THE CITY OF KYLE, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY ENTEX, SOUTH TEXAS DIVISION TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO PARTICIPATE WITH OTHER CITIES IN THE REVIEW OF THE GRIP REQUEST; DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE. ~ *JERRY HENDRIX, CHIEF OF STAFF*

Mayor Pro Tem Hervol moved to approve Consent Agenda items # 2 ~ *(Second Reading)* An Ordinance of the City of Kyle, Texas, amending Chapter 29, "Sign Standards and Permits" of the City's Code of Ordinances relative to permitting existing off-premise commercial billboards to be

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converted to changeable electronic variable message signs ("CEVMS") subject to specific approval of the City Council; Amending Section (n) 'Sunset' of the sign regulations to be consistent with the ability to convert existing commercial billboards into CEVMS; Repealing all conflicting ordinances; requiring a sign face exchange ratio for digital display signs; Providing operational requirements for digital display signs; #3 ~ (*Second Reading*) An Ordinance by the City of Kyle, Texas, ("City") responding to the application of Centerpoint Energy Entex, South Texas Division to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City to participate with other cities in the review of the GRIP request; determining that the meeting at which the ordinance was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date. Council Member Arabie seconds the motion. All aye. Motion carried 6-0.

### CONSIDER AND POSSIBLE ACTION

(*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 6.24 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3', on property located at 22557 IH 35, in Hays County, Texas. (Center Street Village, LP, Z-15-002) ~ *Debbie A. Guerra, Planning Technician*

*Planning and Zoning Commission voted 4-1 to recommend approval of the rezone request*

### PUBLIC HEARING

Mayor Webster opened the Public Hearing at 7:10 p.m. to hear comments on (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 6.24 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3', on property located at 22557 IH 35, in Hays County, Texas. James Wilson spoke and stated his concern with increased traffic in this area. With no one else wishing to speak Mayor Webster closed the Public Hearing at 7:11 p.m.

Mayor Webster move to deny approval of (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 6.24 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3', on property located at 22557 IH 35, in Hays County, Texas. Council Member Bellows seconds the motion. All aye. Motion carried 7-0.

**AUTHORIZE NEGOTIATION AND EXECUTION OF AN INTERLOCAL AGREEMENT (ILA) BY AND BETWEEN THE CITY OF KYLE, HAYS COUNTY, AND THE CITY OF MOUNTAIN CITY, TO ESTABLISH THE TERMS AND COMPENSATION FOR COUNTY ASSISTANCE IN THE CONSTRUCTION, IMPROVEMENT, AND OR REPAIR TO PUBLIC ROADS/STREETS LOCATED WITHIN HAYS COUNTY, TEXAS AND WITHIN THE**

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**MUNICIPAL BOUNDARIES OF THE CITY OF MOUNTAIN CITY, TEXAS AND THE RELEASE AND ACQUISITION OF EXTRA TERRITORIAL JURISDICTION (ETJ) WITHIN HAYS COUNTY. ~ J. SCOTT SELLERS, CITY MANAGER**

Council Member Wilson moved to authorize negotiation and execution of an interlocal agreement (ILA) by and between the City of Kyle, Hays County, and the City of Mountain City, to establish the terms and compensation for County assistance in the construction, improvement, and or repair to public roads/streets located within Hays County, Texas and within the municipal boundaries of the City of Mountain City, Texas and the release and acquisition of extra territorial jurisdiction (ETJ) within Hays County. Council Member Arabie seconds the motion. All aye. Motion carried 7-0.

**APPROVE A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH LEHMAN FAMILY LIMITED PARTNERSHIP AND LEHMAN FAMILY TRUST; REPEALING A PRIOR DEVELOPMENT AGREEMENT IN ITS ENTIRETY; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ JAMES EARP, ASSISTANT CITY MANAGER**

Mayor Pro Tem Hervol moved to approve a resolution of the City of Kyle, Texas, authorizing the Mayor to execute a development agreement with Lehman Family Limited Partnership and Lehman Family Trust; repealing a prior development agreement in its entirety; making findings of fact; and providing for related matters. Council member Bellows seconds the motion. All aye. Motion carried 7-0.

## CITY MANAGERS REPORT

**UPDATE ON VARIOUS CAPITAL IMPROVEMENT PROJECTS, ROAD PROJECTS, BUILDING PROGRAM, AND/OR GENERAL OPERATIONAL ACTIVITIES. ~ J. SCOTT SELLERS, CITY MANAGER**

- Update on stage 2 drought classification to stage 1.

City Manager Scott Sellers stated that the city's water management plan dictates periods of time for any sort of water rationing or drought staging, and that the city had been on stage two drought restrictions since May 2013. He stated the management plan stated every May 1<sup>st</sup> we go to stage one which is a voluntary stage.

## GENERAL DISCUSSION

**DISCUSSION ONLY REGARDING COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS.**

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Council Member Wilson requested a Memorial Day proclamation. Mayor Webster suggested a resolution for the next agenda. Council Member Selbera requested discussion of the current overlay plan. City Manager Scott Sellers stated that every 5 years it is reviewed and this would be the fifth year for reviewing. He stated he wanted to include the new Planning Director, who would be starting this next week in the process and bring back a presentation.

EXECUTIVE SESSION

PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY COUNCIL RESERVES THE RIGHT TO CONVENE IN 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 TO DISCUSS 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

Lawsuit update

2. POSSIBLE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL ESTATE PURSUANT TO SECTION 551.072

3. PERSONNEL MATTERS PURSUANT TO SECTION 551.074

Chief of Police

4. ECONOMIC DEVELOPMENT NEGOTIATIONS PURSUANT TO SECTION 551.087

Council Member Wilson moved to Convene into Executive Session at 8:22 p.m. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene in 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. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 7-0.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - *Lawsuit Update*
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074 - *Chief of Police*
4. Personnel matters pursuant to Section 551.074

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TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

Council Member Bellows moved to reconvene into open session at 9:45 p.m. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried 7-0.

Mayor Pro Tem Hervol stated no action was taken on item #1, but that action on item #3 would be taken now. Mayor Webster called up City Manager Scott Sellers.

Mr. Sellers stated that by the authority granted to him per the city charter as the City Manager that allowed him to make certain changes as are necessary in the operations of the city, he stated that at this time he would recommend to council the appointment of the Acting Chief of Police Chuck Edge for the City of Kyle.

Mayor Webster stated to Council that they have heard the recommendation they are required by statute to confirm the appointment of the Acting Police Chief.

Council Member Bellows moved to approve the recommendation of the City Manager for the Acting Police Chief Chuck Edge. Council Member Arabie seconds the motion. All aye. Motion carried 7-0.

ADJOURN

With no further business to discuss, Council Member Bellows moves to adjourn. Mayor Pro Tem Hervol seconds the motion. All votes aye. Motion carried 7-0.

The City Council meeting adjourned at 9:46 p.m.

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R. Todd Webster, Mayor

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Attest: Amelia Sanchez, City Secretary