CITY OF KYLE

Notice of Regular City Council Meeting

KYLE CITY HALL
100 W. Center Street

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on 8/20/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 15th day of August, 2013 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Special Called Meeting - August 1, 2013 ~ *Amelia Sanchez, City Secretary*

   Attachments

2. City Council Regular Meeting - August 6, 2013 ~ *Amelia Sanchez, City Secretary*

   Attachments

3. City Council Special Called Meeting - August 7, 2013 ~ *Amelia Sanchez, City Secretary*

   Attachments

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 must sign in 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.

IV. Presentation

4. Quarterly Report Presentation by Jason Claunch with Catalyst Commercial ~ *Diana Blank, Director of Economic Development*

   Attachments

5. Presentation of Kyle Chamber of Commerce Quarterly Report for Reporting Period April 2013 through June 2013 ~ *Cale Baese, President, Kyle Area Chamber of Commerce & Visitor's Bureau*

   Attachments

6. Recognition of accomplishments made by the Kyle Kuda Swim Team for 2013 ~ *Kerry Urbanowicz, C.P.S.M., Director of Parks and Recreation*

   Attachments

7. Recognition from the Kyle Parks and Recreation Department and thanking Larry Simone for the volunteer work performed at the PARD Maintenance Shop ~ *Kerry Urbanowicz, C.P.S.M., Director of Parks and Recreation*

   Attachments

V. Appointments

8. Consideration of Nomination(s) for Appointment to the Pie Festival Committee ~ *Lucy Johnson, Mayor*

   - *Gayle Meister*
   - *Ivana Flowers*

   Attachments

VI. Consent Agenda

9. *(Second Reading)* AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AMENDING PART II-CODE OF ORDINANCES/CHAPTER 53-ZONING/ ARTICLE IX- ADMINISTRATION TO AMEND TO REQUIRE POSTED NOTICE FOR ALL REZONING REQUESTS; AUTHORIZING THE CITY SECRETARY TO AMEND ORDINANCE 438 OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION DATE; PROVIDING FOR SEVERABILITY; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

    Attachments

10. *(Second Reading)* AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AMENDING PART II-CODE OF ORDINANCES/CHAPTER 32-SITE DEVELOPMENT/ARTICLE II-PLAN AND PROCEDURES/DIVISION 2-PLAN TO AMEND TO THE APPROVAL AUTHORITY OF A SITE DEVELOPMENT APPLICATION FROM THE

PLANNING AND ZONING COMMISSION TO THE PLANNING DIRECTOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR; AMEND 32-47 AND SECTION 32-48 OF THE SITE DEVELOPMENT ORDINANCE TO REMOVE THE NOTIFICATION REQUIREMENTS FOR SITE DEVELOPMENT REQUESTS NOT SEEKING A VARIANCE; AUTHORIZING THE CITY SECRETARY TO AMEND ORDINANCE 676 OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION DATE; PROVIDING FOR SEVERABILITY; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Attachments

11. *(Second Reading)* AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AMENDING PART II-CODE OF ORDINANCES/CHAPTER 41-SUBDIVSION/ARTICLE II-PROCESSING OF PROPOSED SUBDIVISIONS TO AMEND THE REQUIREMENTS FOR SHORT-FORM PLATS, TO AMEND THE APPROVAL AUTHORITY OF CONCEPT, PRELIMINARY, AND FINAL PLATS TO ALLOW THE PLANNING AND ZONING COMMISSION TO BE THE FINAL DECISION MAKER, TO AMEND THE REQUIREMENTS FOR WHEN A CONCEPT PLAN IS REQUIRED, TO ALLOW PRELIMINARY PLATS NOT TO BE REQUIRED WHEN THE SUBDIVIDER ELECTS TO SUBMIT ONLY A FINAL SUBDIVISION PLAT, ACCOMPANIED BY CONSTRUCTION PLANS; AUTHORIZING THE CITY SECRETARY TO AMEND ORDINANCE 439 OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION DATE; PROVIDING FOR SEVERABILITY; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Attachments

12. Plum Creek Phase 1 Section 6E-3 – Preliminary Plan (PP-13-006
    4.689 acres; 28 Lots
    Located immediately north of the intersection of Fairway and Sanders
    Owner: Plum Creek Development Partners, Ltd.
    Agent: Scott Bauer, Bigelow Development, LLC.
    ~ *Sofia Nelson, Director of Planning*

    Planning and Zoning Commission voted 7-0 to Statutorily Disapprove the Preliminary Plan

    (Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future

consideration of this application by the City Council).

Attachments

13. Plum Creek Phase 1 Section 6E-3 – Final Plat (FP-13-013)
    4.689 acres; 28 Lots
    Located immediately north of the intersection of Fairway and Sanders
    Owner: Plum Creek Development Partners, Ltd.
    Agent: Scott Bauer, Bigelow Development, LLC.
    ~ Sofia Nelson, Director of Planning

    Planning and Zoning Commission voted 7-0 to Statutorily Disapprove the Plat

    (Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the City Council).

    Attachments

14. Meadows at Kyle Phase 3 (FP-13-012)
    11.483 acres; 61 Lots & Right-of-way
    Located on the north side of Windy Hill Road approximately 1 mile east of IH-35
    Owner: Continental Homes of Texas
    Agent: John D. Hines, P.E., Gray Engineering, Inc.
    ~ Sofia Nelson, Director of Planning

    Planning and Zoning Commission voted 7-0 to Statutorily Disapprove the Plat

    (*Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the City Council).*

    Attachments

15. Authorize award and execution of a Purchase Order to PROVANTAGE SUPERSTORE, of North Canton, Ohio, in an amount not to exceed $1,164.00 for the purchase of monitor stands and cordless headset adapters, and other related accessories for the Kyle Police Department. *~ Jeff Barnett, Chief of Police*

    Attachments

16. Authorize final payment request and Change Orders to SPAWGLASS CONTRACTORS, INC., of Austin, Texas for Police Headquarters Remodel Project in the amount of $10,139.00 for a total project cost of $82,949.00. ~ *James Earp, Assistant City Manager*

    Attachments

17. A RESOLUTION OF THE CITY OF KYLE, TEXAS DECLARING GOALS FOR THE LEGISLATIVE SESSION TO INCLUDE PRIORITIES DETERMINED BY THE CITY COUNCIL THAT RANGE FROM SUPPORT OF SJR 1WATER UTILITY REGULATION AND FIRE CONTROLS WITHIN CITY LIMITS, CERTIFICATE OF CONVENIENCE AND NECESSITY AUTHORITY OF CITIES, STATE FUNDING FOR LIBRARY SERVICES, EXTRATERRITORIAL JURISDICTION (ETJ) ISSUES AND ANNEXATION POWERS INCLUDING RIGHTS FOR LAND OWNERS THAT ARE ADJACENT TO ANOTHER CITY'S ETJ, AUTHORITY TO INCLUDE A CITY'S ABILITY TO COLLECT SALES TAX ON NEW CAR SALES TO THAT OF THE STATE, AND TO ADDRESS REASONABLE MUNICIPAL COURT FINES AND THE SHARE OF SUCH FINES WITH THE STATE OF TEXAS ~ *Lanny Lambert, City Manager*

    Attachments

VII. Consider and Possible Action

18. *(First & Final Reading)* An Ordinance authorizing the issuance of approximately $5,520,000 "City of Kyle, Texas General Obligation Bonds, Series 2013"; levying a continuing direct annual ad valorem tax on all taxable property within the City to pay the interest on said Bonds and to create a sinking fund for the redemption thereof and authorizing the sale thereof, and Enacting provisions incident and related to the issuance of said bonds ~ *Perwez A. Moheet, CPA, Director of Finance & Chris Allen, City's Financial Advisor, First Southwest Company*

    Attachments

19. *(First Reading)* AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AMENDING PART II-CODE OF ORDINANCES/CHAPTER 53-ZONING/ARTICLE III-OVERLAY DISTRICTS/DIVISION 4-CONDITIONAL USE OVERLAY DISTRICTS TO AMEND THE APPROVAL AUTHORITY OF CONDITIONAL USE PERMITS FROM THE CITY COUNCIL TO THE PLANNING AND ZONING COMMISSION ; AUTHORIZING THE CITY SECRETARY TO AMEND ORDINANCE 438 OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION DATE; PROVIDING FOR SEVERABILITY; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED AS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the Code Amendment

- Public Hearing

Attachments

20. Consider a request by Kyle Area Chamber of Commerce on behalf of Edward R. Coleman for a Conditional Use Permit and a waiver of the Mass Gathering Permit to hold a Kyle Fair & Music Festival on property located at 24801 IH-35 (Thunderhill Raceway). ~ *Sofia Nelson, Director of Planning & Jeff Barnett, Chief of Police*

    Planning and Zoning Commission voted 7-0 to approve the Conditional Use Permit

    - Public Hearing

    Attachments

21. Consider a request by Texas Cinema on behalf of Sterling/Babcock & Brown, LP (Texas Cinema Entertainment Center - Located on the east side of Kyle Crossing just north of Kohler's Crossing in Kyle Towne Center) for a Conditional Use Permit to construct a 75,000 square foot building located within the IH-35 Zoning Overlay District. ~ *Sofia Nelson, Director of Planning*

    Planning and Zoning Commission voted 7-0 to approve the Conditional Use Permit

    - Public Hearing

    Attachments

22. Receive a presentation on a request by PGI Investment, LLC to rezone approximately 47.74 acres from Agriculture 'AG' to a Planned Unit Development Overlay District 'PUD' with a base zoning designation of Retail Services 'RS' and Multifamily Residential 'R-3-3' on property located at 24800 S. IH-35 (the property is bounded by Yarrington Road on the south, I-35 access road on the east and Post Road on the west). (Z-13-003) ~ *Sofia Nelson, Director of Planning*

    This item will be postponed until the Planning and Zoning Commission takes action on the case.

    - Public Hearing

    Attachments

23. Consider a variance request by Guillermo Rodriguez to allow a variance to Section 41-136 - Lots (b) Access. Each Lot shall front upon a public street to allow two lots to be platted without frontage on a public street at 2205 Bebee Road. ~ *Sofia Nelson, Director of Planning*

    Planning and Zoning Commission voted 7-0 to Deny the variance request

    Attachments

24. Authorize award and execution of a Purchase Order to AUSTIN AUTOMATIC DOOR SOLUTIONS of Cedar Park, Texas, in an amount not to exceed $5,000.00 for the purchase, delivery and installation of two (2) power-assist doors at Kyle City Hall **and** to authorize award and execution of a Purchase Order to ALL TRADES REPAIR SERVICE of Kyle, Texas, in an amount not to exceed $900.00 for the purchase, delivery and installation electrical service for two (2) power-assist doors at Kyle City Hall. **Related to Agenda Item No. *26*** ~ *Kerry Urbanowicz, C.P.S.M., Director for Kyle Parks, Recreation & Facilities*

    Attachments

25. Authorize award and execution of a Purchase Order to RICHARD'Ss ELECTRIC, L.P., of Cedar Park, Texas, in an amount not to exceed $44,000.00 for the purchase, delivery and installation of fifty-six (56) street light lamps as further described in RFP-2013-04-PARD. **Related to Agenda Item No. 26** ~ *Kerry Urbanowicz, C.P.S.M., Director for Kyle Parks, Recreation & Facilities*

    Attachments

26. *(Second Reading)* An Ordinance to amend the City's Approved Budget for Fiscal Year 2012-13 by increasing total appropriations in the General Fund by $49,900.00 for (1) the installation of automatic doors at Kyle City Hall with an estimated cost of $5,900.00 and (2) for the repair and or replacement of street light fixtures on Kyle Parkway by Seton Hospital with an estimated cost of $44,000.00. **Related to Agenda Item Nos. 24 and 25.** ~ *Perwez A. Moheet, CPA, Director of Finance*

    Attachments

27. *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS REQUIRING PUBLIC UTILITIES TO PROVIDE MINIMUM FIRE FLOW FROM FIRE HYDRANTS AND TO PAINT ALL HYDRANTS RED; ENCOURAGING EMERGENCY SERVICE DISTRICTS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH SUCH UTILITIES; PROVIDING FOR PUBLIC NOTICE PURSUANT TO THE TEXAS PUBLIC INFORMATION ACT AND PROVIDING FOR A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE ~ *Jerry Hendrix, Director of Community Development*

Attachments

28. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AMENDING THE CITY OF KYLE RULES OF CITY COUNCIL, PROVIDING FOR MEETINGS, AGENDA, COUNCIL PROCEEDINGS, PARLIAMENTARY PROCEDURE, DEBATE, DECORUM, CITIZEN PARTICIPATION AT MEETINGS, AND MISCELLANEOUS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ *Lanny Lambert, City Manager*

Attachments

VIII. City Managers Report

29. Update on Various Capital Improvement Projects, Road Projects, Building Program, and/or General Operational Activities ~ *Lanny Lambert, City Manager*

- Special Called City Council Meeting, 9-10-13, 7:00 p.m., RR 150 Annexation
- Discuss Billboard Ordinance Workshop
- Discuss Public Hearing for Roundabout
- Discuss City Council Workshop for Plum Creek PID

Attachments

IX. Executive Session

30. Convene into Executive Session pursuant to Section 551.074, Tex. Gov't Code to discuss the appointment and position of City Attorney.

Attachments

31. Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding the appointment and position of City Attorney.

Attachments

X. ADJOURN

At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The

permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC.551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.