

[Agenda](#)[Minutes](#)[Close](#)

# 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 7/5/2011, at Kyle City Hall, 100 West Center, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 30th day of June, 2011 prior to 7:00 pm.

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### **I. Call Meeting To Order**

### **II. Approval of Minutes**

1. City Council Regular Meeting - June 21, 2011 ~ *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**

2. Recognition of Employee of the Month for the Month of June ~ *Lanny Lambert, City Manager*

 [Attachments](#)

3. Presentation by the Kyle Police Employee Association regarding association activities ~ *Sergeant Tracy Vrana*

 [Attachments](#)

### **V. Appointments**

4. Consideration of Nomination for Appointment to the Planning and Zoning Commission ~ *Mayor Lucy Johnson*

- *Daphne Tenorio, Seat Five*

 [Attachments](#)

5. Consideration of Nomination(s) for Appointment to the Community Relations Committee ~ *Council Member Brad Pickett*

 [Attachments](#)

## VI. Consent Agenda

6. Consideration and Possible Action on Approval of the Interlocal Contract between the Capital Area Council of Governments (CAPCOG) and the City of Kyle, Texas for Public Service Answering Points (PSAP) Maintenance, Equipment Upgrade, and Training ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

7. Hidden Oaks Section Two Replat of Lots 65 and 66R (SFP-11-003)  
1.575 acres; 3 commercial lots  
Owner: Kyle Vet Holdings LLC and Tri Vet Properties LLC  
Agent: Ward Richter, Richter Resources, Inc.  
~ *Shira Rodgers, Director of Planning*

*Planning and Zoning Commission voted 5-0 to Statutorily Disapprove the replat to meet the 30 day statutory requirement.*

 [Attachments](#)

8. Kyle Marketplace Section 1 Replat of Lot 1 Block A  
37.624 acres; 2 commercial lots  
Located at the northwest intersection of Kyle Parkway/FM 1626 and IH-35  
Owner: Kyle Marketplace Ltd.  
Agent: Doucet & Associates, Inc.  
~ *Shira Rodgers, Director of Planning*

*Planning and Zoning Commission voted 5-0 to Statutorily Disapprove the replat to meet the 30 day statutory requirements.*

 [Attachments](#)

9. Kyle Towne Center Replat of Lot 1 Block A (SFP-11-004)  
80.801 acres; 2 commercial lots  
Located at the southwest intersection of Kyle Crossing and IH-35  
Owner: Sterling/Babcock & Brown, LP  
Agent: Doucet & Associates, Inc.  
~ *Shira Rodgers, Director of Planning*

*Planning and Zoning Commission voted 5-0 to Statutorily Disapprove the replat to meet the 30 day statutory requirements.*

 [Attachments](#)

10. (*Second Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF FOUR WAY STOP SIGNS FOR THE ZONING OF TRAFFIC CONTROL ON KOHLER CROSSING AT THE INTERSECTION OF KYLE CROSSING IN THE CITY LIMITS OF KYLE; FIXING A PENALTY THEREFOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF ~ *James Earp, Assistant City Manager*

 [Attachments](#)

11. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT BETWEEN THE CITY OF KYLE, TEXAS AND T.F. HARPER & ASSOCIATES LP FOR CONSTRUCTION WORK RELATED TO LAKE KYLE AS FURTHER DESCRIBED IN ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ *Kerry Urbanowicz, Director of Parks, Recreation & Facility Maintenance*

 [Attachments](#)

12. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS ACCEPTING A 0.116 ACRE PUBLIC UTILITY EASEMENT CONVEYED BY WHITED ENTERPRISES, LLC, OUT OF LOT 2, BLOCK A, RJ SUBDIVISION; PROVIDING FOR OPEN MEETINGS AND RELATED MATTERS ~ *Shira Rodgers, Director of Planning*

 [Attachments](#)

## VII. Consider and Possible Action

13. A RESOLUTION OF THE CITY OF KYLE, TEXAS, ESTABLISHING THE ADVISORY REDISTRICTING COMMITTEE; AMENDING CONFLICTING RESOLUTIONS; PROVIDING FOR DUTIES, MEMBERSHIP, TERMS, APPOINTMENTS; AND PROVIDING FOR RELATED MATTERS ~ *Frank Garza, City Attorney*

- Appointment - Mayor, *Bob Barton*
- Appointment - District 1, *Ray Bryant*
- Appointment - District 2, *Glenn Whitaker*
- Appointment - District 3, *Cecilia Peche*
- Appointment - District 4, *James Adkins*
- Appointment - District 5, *Andrea Cunningham*
- Appointment - District 6, *Christie Smith*

 [Attachments](#)

14. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 ZONING, ARTICLE II ZONING DISTRICTS AND REGULATIONS, DIVISION 1 GENERALLY, SECTION 53-33 CHART 2 AND CHART 3 TO AMEND THE CENTRAL BUSINESS DISTRICTS 1 AND 2 OF THE CITY OF KYLE, CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF ~ *Shira Rodgers, Director of Planning*

*Planning and Zoning Commission voted 6-0 to approve the amendment*

- Public Hearing

 [Attachments](#)

15. *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS AMENDING PART II CHAPTER 41 ARTICLE V SECTION 41-147 (a) OF THE CITY CODE PERTAINING TO PARKLAND DEDICATION DEFINITIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING A PENALTY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Kerry Urbanowicz, Director of Parks, Recreation & Facilities*

 [Attachments](#)

16. Consideration and Possible Action on a Speed Hump Policy ~ *Lanny Lambert, City Manager*

 [Attachments](#)

17. Consideration and Possible Action as may be appropriate in regards to awarding Nonpoint Source Water Quality Program Retrofit of Spring Branch Drive Channel for the City of Kyle 319H Nonpoint Plum Creek Watershed Grant to the apparent lowest bidder, Dale Lowden Excavating, Inc in the amount of \$48,321.00 and Authorizing the City Manager to Execute A Contract with Dale Lowden Excavating for the Construction of the same ~ *James Earp, Assistant City Manager*

 [Attachments](#)

### **VIII. General Discussion and Possible Action**

18. General Discussion and Possible Action of the July 1st Call for Applications for the Sustainable Places Project Planning Demonstration Sites ~ *Raquel Garcia, Grants Administrator*

 [Attachments](#)

## IX. Planning and Zoning

### Zoning

19. *(First Reading)* AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS FOR THE PURPOSE OF REZONING APPROXIMATELY 27.01 ACRES FROM 'RS' RETAIL SERVICES DISTRICT TO 'R-3-2-' MULTI-FAMILY RESIDENTIAL DISTRICT, ON PROPERTY LOCATED ON THE EAST SIDE OF IH-35, NORTH OF EAST RR 150 AND SOUTH OF GOFORTH ROAD IN HAYS COUNTY, TEXAS. (CENTER STREET VILLAGE, LP Z-11-007); 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 ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Shira Rodgers, Director of Planning*

*Planning and Zoning Commission voted 4-2 to recommend approval of the zoning request.*

- Public Hearing

 [Attachments](#)

20. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF 'RS' RETAIL SERVICES DISTRICT TO APPROXIMATELY 1.007 ACRES, ON PROPERTY LOCATED AT 1371 RR 150 EAST IN HAYS COUNTY, TEXAS. (FHC CONSOLIDATED Z-11-005); 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 ~ *Shira Rodgers, Director of Planning*

*Planning and Zoning Commission voted 5-0 to recommend approval of the zoning request.*

- Public Hearing

 [Attachments](#)

### Variances

21. Consider and Possible Action Regarding a Variance Request from Cyndy Slovak-Barton for the Barton Word Building to be located at 113 W. Center St. The variance requested is from Chapter 41 Subdivisions, Article V. Standards and

Specifications, Section 41-141 Utility Easements of the Code of Ordinances which requires all electrical lines to be located underground ~ *Shira Rodgers, Director of Planning*

*Planning and Zoning Commission voted 5-0 to approve the variance request.*

 [Attachments](#)

***Conditional Use Permit/Conditional Use Overlay District***

22. Consider a request by Matheson Tri-Gas for a Conditional Use Permit to construct a 8,595 square foot building located within the IH-35 Zoning Overlay District.

Located at 2550 Kyle Crossing

Owner: Matheson Tri-Gas

Agent: Charles Turner, T Bar T Construction

~ *Shira Rodgers, Director of Planning*

*Planning and Zoning Commission voted 6-0 to approve the Conditional Use Permit.*

- Public Hearing

 [Attachments](#)

23. Consider a request by Philemon Martinez for a Conditional Use Permit to occupy and remodel a 4,970 square foot building located within the IH-35 Zoning Overlay District.

Located at 22604 S. IH-35

Owner: Philemon Martinez

Agent: Hugo Elizondo, Cuatro Consultants

~ *Shira Rodgers, Director of Planning*

*Planning and Zoning Commission voted 6-0 to approve the Conditional Use Permit.*

- Public Hearing

 [Attachments](#)

**X. City Managers Report**

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

- Discussion of City Council Retreat to be held on Saturday, July 9, 2011 at Texas Disposal Systems from 8:00 am - 4:00 pm
- Discussion of Funding Plan options to provide an estimated \$4,938,594.00

for the City's share of RM 150 Realignment project costs

- Discussion of City Council Workshops

 [Attachments](#)

25. Presentation of Guadalupe Blanco River Authority (GBRA) water supply proposed capacity increase and associated costs ~ *James Earp, Assistant City Manager*

 [Attachments](#)

## **XI. Staff Report**

26. Parks Committee Recommendation for FY2012 Programs ~ *Kerry Urbanowicz, Director of Parks, Recreation & Facilities*

 [Attachments](#)

## **XII. Executive Session**

27. Convene into Executive Session pursuant to Section 551.071, Tex. Gov't Code, and Section 1.05, Tex. Disciplinary Rules of Professional Conduct, to consult with legal counsel regarding the lawsuit pending in Hays County District Court, City of Kyle v. Goodman, Barton Springs / Edwards Aquifer Conservation District, et al., and the defendants' settlement counteroffer.

 [Attachments](#)

28. Reconvene into Open Session to take any and all actions as deemed appropriate in the City Council's discretion regarding the Barton Springs / Edwards Aquifer Conservation District's settlement counteroffer

 [Attachments](#)

## **XIII. 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.