

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 1/3/2012, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 29th day of December, 2011 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Special Meeting - December 6, 2011 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

2. City Council Regular Meeting - December 6, 2011 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

3. City Council Special Meeting - December 13, 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.

4. Public Hearing for the purpose of receiving Public Comment on the request by Monarch Utilities I, L.P. to increase system water rates by 62.3%

 [Attachments](#)

IV. Presentation

5. Recognition of Employee of the Month for the Month of December ~ *Lanny Lambert, City Manager*

- *Luis Rosales, Human Resources Assistant*

 [Attachments](#)

6. Presentation of the Parks and Recreation Department 2011 Annual Report to Include Number of Attendees at Recreational Programs and Special Events, Facility Uses, Economic Impact, and Other Related Matters ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

7. Presentation of City of Kyle's Financial Performance Report (unaudited) for the 4th Quarter Ending September 30, 2011 ~ *Perwez Moheet, CPA, Director of Finance*

 [Attachments](#)

V. Consent Agenda

8. (*Second Reading*) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF 'CM' CONSTRUCTION MANUFACTURING DISTRICT TO APPROXIMATELY 10 ACRES, ON PROPERTY LOCATED AT 3700 KYLE CROSSING IN HAYS COUNTY, TEXAS. (3700 KYLE CROSSING, LLC. Z-11-013); 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 ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

9. (*Second 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 8.42 ACRES ON PROPERTY LOCATED ON THE SOUTHSIDE OF BEBEE ROAD, JUST WEST OF DACY LANE IN HAYS COUNTY, TEXAS. (DACY LANE, LLC. Z-11-012); 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 ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

10. (*Second 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 2.627 ACRES, ON PROPERTY LOCATED AT 1251 GOFORTH ROAD IN HAYS COUNTY, TEXAS. (LAS DELICIAS INVESTMENTS Z-11-010); 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 ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

11. (*Second Reading*) AN ORDINANCE AMENDING ORDINANCE NO. 311 (PLUM CREEK PLANNED UNIT DEVELOPMENT ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 11.1 ACRES FROM 'MXD' MIXED USE DEVELOPMENT DISTRICT TO 'OS' OPEN SPACE, AND REZONE APPROXIMATELY 4.3 ACRES FROM 'MXD' MIXED USE DEVELOPMENT DISTRICT TO 'LI' LIGHT INDUSTRIAL ON PROPERTY LOCATED WITHIN THE 4900 BLOCK OF SOUTH FM 1626 BETWEEN VANTAGE APARTMENTS AND RAIL ROAD TRACKS, IN HAYS COUNTY, TEXAS. (MOUNTAIN PLUM, LTD. Z-11-011); 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 ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

12. (*Second Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ESTABLISHING A REQUIREMENT THAT A FISCAL NOTE BE PROVIDED FOR ALL CITY ORDINANCES AND RESOLUTIONS CONSIDERED BY THE CITY COUNCIL REQUIRING EXPENDITURE OR OBLIGATION OF CITY FUNDS AND OR AN INCREASE OR DECREASE IN RATES, FEES AND OTHER CHARGES FOR CITY SERVICES ~ *Council Member Jaime Sanchez*

 [Attachments](#)

13. (*Second Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS AMENDING CHAPTER 26 OF THE CITY CODE PERTAINING TO PARKS AND RECREATION RELATED TO FEES AND DEPOSITS ESTABLISHED AND THE ROLE OF THE PARKS AND RECREATION COMMITTEE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Mayor Lucy Johnson and Bill Nuekam, Chairman of the Parks & Recreation Committee*

 [Attachments](#)

14. SCC Bunton Creek Subd. Replat of Lots 3, 4, 5, 8, 11 & 12, Block A (SFP-11-008)
Owner: SCC Kyle Partners, Ltd.
30.038 acres; 6 Commercial Lots
Located at 5754 Kyle Parkway
Agent: Robert J. Smith, P.E., Doucet & Associates, Inc.
Staff Recommendation: Statutorily Disapprove to meet the 30 day statutory requirement
~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

15. Shadow Creek Phase 1 Section 5 Replat of Lot 1, Block A (SFP-11-005)
18.429 acres; 6 Residential Lots, 2 Greenbelt Lots, and 1 Commercial Lot
Located at the entrance into the Shadow Creek Subdivision off of Windy Hill Rd.
Owner: Hays Shadow Creek Development, Inc.
Agent: Stephen Delgado, P.E., Texas Engineering Solutions
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 6-0 to approve the plat conditional on the acceptance and payment of the roadway improvement fee.

 [Attachments](#)

16. *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF SPEED CONTROL SIGNS FOR THE ZONING OF TRAFFIC AND RATE OF SPEED ON KOHLERS CROSSING IN THE CITY LIMITS OF KYLE; AFFIRMING THE DEFINITION OF SPEEDING AND 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](#)

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING THE HILL REPLAT OF LOTS 1 & 2 WASTEWATER AND STREET IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

VI. Consider and Possible Action

18. A RESOLUTION OF THE CITY OF KYLE, TEXAS, INDICATING SUPPORT OF THE KYLE CITY COUNCIL RESPONDING TO THE APPLICATION OF MONARCH UTILITIES I, LP A WHOLLY OWNED SUBSIDIARY OF SOUTHWEST WATER COMPANY, TO INCREASE WATER AND SEWER RATES AND TO CONSOLIDATE RATES OF SEVERAL DIFFERENT UTILITIES INTO ONE SET OF TARIFFS; PARTICIPATE IN A "COALITION OF CITIES"; AUTHORIZING THE HIRING OF COUNSEL AND EXPERTS THROUGH THE COALITION; REQUIRING THE REIMBURSEMENT OF COSTS; AUTHORIZING THE CITY'S INTERVENTION IN

CONJUNCTION WITH THE COALITION OF CITIES AT THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND AT STATE OFFICE OF ADMINISTRATIVE HEARINGS WITH REGARD TO ANY APPLICATIONS FILED ON BEHALF OF MONARCH UTILITIES I, LP TO INCREASE RATES OR TO TRANSFER OR CANCEL CERTIFICATES OF CONVENIENCE AND NECESSITY; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION 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, Director of Community Development*

 [Attachments](#)

19. Authorize Award and Execution of a Professional Services agreement with the BANK OF NEW YORK MELLON TRUST COMPANY, Dallas, Texas, in an amount Not to Exceed \$7,500.00 to perform arbitrage rebate services for the City's Series 2002 and 2007 Bonds ~ *Perwez Moheet, CPA, Director of Finance*

 [Attachments](#)

20. *(Public Hearing and First Reading)* AN ORDINANCE AMENDING ORDINANCE NO. 311 (PLUM CREEK PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT ZONING ORDINANCE) OF THE CITY OF KYLE, TEXAS FOR THE PURPOSE OF AMENDING THE FOLLOWING SECTIONS: ARTICLE 1/SECTION 4-DEFINITIONS OF TERMS AND USES WITHIN THE PLUM CREEK PUD DISTRICT: TO AMEND THE DEFINITION OF CORNER LOT, ADD A DEFINITION FOR COURTYARD, AMEND THE DEFINITION FOR SETBACK LINE, AMEND THE DEFINITION OF YARD, FRONT, AMEND THE DEFINITION OF YARD, SIDE; ARTICLE 2-PLANNED UNIT DEVELOPMENT ZONING DISTRICT PART A/SECTION 4 (7)(D)- ADMINISTRATIVE SITE PLAN REVIEW PROCESS: AMENDED TO ALLOW ADMINISTRATIVE APPROVAL OF SITE PLANS FOR R-1 AND R-2 USES WITHIN THE MXD DISTRICTS; ARTICLE 2-PLANNED UNIT DEVELOPMENT ZONING DISTRICT PART A/SECTION 4 (7)(E)- MXD SITE PLAN REVIEW PROCESS: EXEMPTED R-1 AND R-2 USES FROM SUBMITTING A SITE PLAN TO THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL ; ARTICLE 2- PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 4: R-2 RESIDENTIAL PUD DISTRICT- ADDED COURTYARDS AS A PERMITTED USE TO THE R-2 DISTRICT; ARTICLE 2-PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 4 (f) MINIMUM SETBACKS (i)FRONT YARD-AMENDED THE MINIMUM FRONT YARD SETBACK FROM 15 FEET TO 8 FEET; ARTICLE 2- PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 4 (f) MINIMUM SETBACKS (iii) REAR YARD-AMENDED THE MINIMUM REAR YARD SETBACK FROM 10 FEET TO 5 FEET; ARTICLE 2- PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 4(6): ADDED A SECTION ESTABLISHING SITE DEVELOPMENT REGULATIONS FOR COURTYARD RESIDENTIAL DEVELOPMENT; ARTICLE 2- PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 5- R-3 MULTI-FAMILY RESIDENTIAL PUD DISTRICT/ (B) PERMITTED USES-AMENDED TO ALLOW SINGLE FAMILY RESIDENTIAL USES AS DESCRIBED IN ARTICLE 2, PART C, SECTION 3 TO BE PERMITTED; AN ORDINANCE AMENDING ORDINANCE NO. 308/CHAPTER 41 SUBDIVISION EXHIBIT A/SCHEDULE A/TWO-WAY ALLEY [RESIDENTIAL/COMMERCIAL]: TO AMEND THE REQUIRED ROW WIDTH FROM 25 FEET TO 20 FEET; AUTHORIZING THE CITY SECRETARY TO

AMEND THE ORDINANCE 311 AND 308 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

- *Public Hearing*
- *P&Z Recommendation to City Council*

 [Attachments](#)

21. A RESOLUTION OF THE CITY OF KYLE, TEXAS, GRANTING A UTILITY EASEMENT UNTO PEDERNALES ELECTRIC COOPERATIVE, INC. OF JOHNSON CITY, TEXAS AND CONVEYANCE OF CONDUIT TO PROVIDE ELECTRICAL SERVICES TO LAKE KYLE PARK AS FURTHER DESCRIBED IN ATTACHED EXHIBITS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

22. A RESOLUTION OF THE CITY OF KYLE, TEXAS, ACCEPTING A 0.0042 ACRE (181.06 S.F.) TRACT OF LAND DONATED BY LAWRENCE MARK SCHMELTEKOPF; AND PROVIDING FOR RELATED MATTERS ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

23. Authorize Award and Execution of a Professional Services Agreement with LNV, INC./STATESIDE R.O.W. SERVICES to perform the attendant services to acquire the easements needed for the “K-11-12-1” Kyle Southside Sewer and Related Projects, inclusive of the Blanco Basin and Elliott Branch Wastewater Interceptor Projects ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

VII. Planning and Zoning

Variances

24. Walmart landscape variance request. A variance to the location of the required trees within a parking lot.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 4-2 to approve the landscape variance request.

 [Attachments](#)

Conditional Use Permit/Conditional Use Overlay District

25. Consider a request by SCC Kyle Partners, LTD. (Walmart) for a Conditional Use Permit to construct a 150,898 square foot building located within the Interstate Highway 35 Corridor District.
17.87 acres; 150,898 square foot building

Located at 5754 Kyle Parkway in the Village at Kyle Shopping Center
Applicant: SCC Kyle Partners, LTD.
Agent: Doucet and Associates, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 4-2 to approved the Conditional Use Permit.

- *Public Hearing*

 [Attachments](#)

VIII. City Managers Report

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

- Discuss Workshop to Prepare 2012 Goals for City Council

 [Attachments](#)

IX. 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 status of Meet and Confer negotiations with Kyle Police Association

 [Attachments](#)

28. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.074 to deliberate the evaluation, performance and employment of the City Manager

 [Attachments](#)

29. Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding the status of Meet and Confer negotiations with Kyle Police Association

 [Attachments](#)

30. Reconvene into Public Session and take action as appropriate regarding the evaluation, performance and employment of the City Manager.

 [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.