

[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 2/7/2012, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 2nd day of February, 2012 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Workshop - January 16, 2012 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

2. City Council Regular Meeting - January 17, 2012 ~ *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

3. Recognition of Employee of the Month for the Month of January ~ *Lanny Lambert, City Manager*

- *Raquel Garcia, Grants Administrator*

 [Attachments](#)

4. Report on the United States Conference of Mayors 80th Winter Meeting including Exhibits, Events, and Sessions held on January 18-20, 2011 in Washington, DC ~

Lucy Johnson, Mayor

 [Attachments](#)

V. Proclamations

5. Proclamation of the City of Kyle, Texas Proclaiming the Month of February as "Black History Month" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

6. Proclamation of the City of Kyle, Texas Proclaiming February 7th, 2012 as "City of Kyle, Storm Response Team Appreciation Day" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

VI. Consent Agenda

7. Plum Creek Phase 1 Section 11A - Lot 3A Resubdivision of Lots 3 and 4, Section 11A Replat
5.144 acres; 1 Lot
Location: Lots 3 and 4 of the Plum Creek Phase 1 Section 11A
Applicant: Mountain Plum, Ltd.
Agent: Lawrence Hanrahan, P.E., Hanrahan and Pritchard Engineering, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 6-0 to approve the plat.

 [Attachments](#)

8. Consider a request by SCC Kyle Partners, LTD. for a 30 day postponement for a request for a landscape variance and conditional use permit at 5754 Kyle Parkway ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

9. Authorize award and execution of Purchase Order to B.S. Cartage, INC., dba JV ENVIRONMENTAL SERVICES, of Austin, Texas, in an amount not to exceed \$5,070.00 to purchase for 1,000 20" mulch erosion control socks for installation along Plum Creek within Steeplechase Park in fulfillment of Task 6.3 of the Section 319(h) NPS Water Pollution Management Program Grant ~ *Raquel Garcia, Grants Administrator*

 [Attachments](#)

10. Approval and Authorization of the City Manager to Execute a contract for EMS

Services between City of Kyle and San Marcos Hays County EMS, per the 2011 Bid for EMS Services; Providing for the continuation of EMS services through 2014 with the following monthly payments of: Twenty Two Thousand Eight Hundred Twenty Three Dollars and Eighty Three Cents (\$22,823.83) per month for Emergency Services provided to the City's residents pursuant to this Agreement from January 2012 to September 2012, Twenty Six Thousand Five Hundred Five Dollars and Thirty Three cents (\$26,505.33) October 2012 to September 2013, and Twenty Thousand Nine Hundred Ten Dollars and Seventeen Cents (\$20,910.17) October 2013 to September 2014 ~ *James Earp, Assistant City Manager*

 [Attachments](#)

VII. Consider and Possible Action

11. Presentation and acceptance of City of Kyle's Audit Report for the Fiscal Year Ended September 30, 2011 ~ *Dan Shaner, CPA, Partner, Atchley & Associates, Certified Public Accountants*

 [Attachments](#)

12. Authorize award and execution of a contract with LINEBARGER GOGGAN BLAIR & SAMPSON, LLP of Austin, Texas to provide collection services for City of Kyle's Municipal court fines and fees ~ *Perwez Moheet, CPA, Director of Finance*

 [Attachments](#)

13. Authorize award and execution of a Purchase Order to SOUTHERN COMPUTER WAREHOUSE of Marietta, Georgia, (3rd low bidder) in an amount not to exceed \$58,625.71 to purchase sixty (60) desktop computers, twenty five (25) laptop computers, and related equipment and software for the Kyle Public Library ~ *Mark Shellard, Director of Information Technology*

 [Attachments](#)

14. Authorize award and execution of a 12-month service contract with IDS dba TEXAS TANK SERVICES of Tyler, Texas, to provide annual inspection services for the City's elevated and ground water storage tanks in compliance with TCEQ requirements in an amount not to exceed \$3,906.00 with two 12-month extension options in an amount not to exceed \$3,906.00 per extension option, for a total contract amount not to exceed \$11,718.00 ~ *Harper Wilder, Director of Public Works*

 [Attachments](#)

15. A RESOLUTION ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD JOINTLY WITH HAYS CONSOLIDATED INDEPENDENT SCHOOL

DISTRICT ON MAY 12,2012, FOR THE PURPOSE OF ELECTING TWO CITY COUNCILMEMBERS, AND A SPECIAL LOCAL OPTION ELECTION TO LEGALIZE THE SALE OF ALCOHOLIC BEVERAGES, INCLUDING MIXED BEVERAGES, BY THE QUALIFIED VOTERS OF THE CITY OF KYLE; ESTABLISHING PAY RATES FOR ELECTION WORKERS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR EARLY VOTING; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE ~ *Frank Garza, City Attorney*

 [Attachments](#)

16. (*First Reading*) AN ORDINANCE ESTABLISHING REGULATIONS FOR THE ISSUANCE OF CITATIONS STEMMING FROM ALLEGED CRIMINAL VIOLATIONS OF ORDINANCE; PROVIDING FOR NOTICE REQUIREMENTS FOR ABATEMENT OF NUISANCES; PROVIDING FOR RULES, STANDARDS, PROCEDURES, AND CRIMINAL PENALTIES; SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE ~ *Frank Garza, City Attorney*

 [Attachments](#)

17. A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR A CRIMINAL JUSTICE PROGRAM GRANT; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO WORK WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION TO COMPLY WITH GRANT REQUIREMENTS OF THE CRIMINAL JUSTICE PROGRAM GRANT ~ *Raquel Garcia, Grants Administrator*

 [Attachments](#)

18. A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR A VIOLENT CRIMES AGAINST WOMEN CRIMINAL JUSTICE AND TRAINING PROJECTS GRANT; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO PROVIDE MATCHING FUNDS; TO WORK WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION TO COMPLY WITH GRANT REQUIREMENTS OF THE VIOLENT CRIMES AGAINST WOMEN CRIMINAL JUSTICE AND TRAINING PROJECTS GRANT ~ *Raquel Garcia, Grants Administrator*

 [Attachments](#)

19. (*First 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 THEREIN, ON FM 1626 (KYLE PARKWAY) IN THE CITY LIMITS OF THE CITY OF KYLE; AFFIRMING THE DEFINITION OF SPEEDING AND FIXING A PENALTY THEREFOR; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS HEREUNDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; DECLARING AN EMERGENCY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF ~ *Steven D. Widacki, P.E., City Engineer*

 [Attachments](#)

20. Consideration and Possible Action regarding the First Amended and Restated Interlocal Agreement between Hays County and the City of Kyle regarding FM 150 ~ *Lanny Lambert, City Manager*

 [Attachments](#)

VIII. Planning and Zoning

Site Development Plan

21. Walgreens - Plum Creek (SD-11-014)
1.767 acres; 14,820 square foot building
Located at the corner of FM 2770 and FM 150
Applicant: Nomoland Company, LP
Agent: Travis J. Bousquet, P.E.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 6-0 to approve the Site Plan.

- *Public Hearing*

 [Attachments](#)

Conditional Use Permit/Conditional Use Overlay District

22. Consider a request by NRP Restaurants (Applebee's) for a Conditional Use Permit to construct a 4,893 square foot building located within the Interstate Highway 35 Corridor District.
1.113 acres; 4,893 square foot building
Located at 5363 Kyle Center Drive
Applicant: NRP Restaurants
~ *Sofia Nelson, Director of Planning*

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

- *Public Hearing*

 [Attachments](#)

23. Consider a request by ACG Texas, LP (IHOP) for a Conditional Use Permit to construct a 4,676 square foot building located within the Interstate Highway 35 Corridor District.

0.850 acres; 4,676 square foot building

Located at 5401 Kyle Center Drive

Applicant: ACG Texas, LP

~ *Sofia Nelson, Director of Planning*

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

- *Public Hearing*

 [Attachments](#)

Comprehensive Master Plan

24. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE TRANSPORTATION MASTER PLAN COMPONENT OF THE COMPREHENSIVE MASTER PLAN TO IDENTIFY BEBEE ROAD AS A MINOR ARTERIAL; PROVIDING FOR THE AMENDMENT OF THE PLAN; PROVIDING FOR RELATED MATTERS ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 6-0 and the Long Range Planning Committee voted 7-0 to approve the update to the Transportation Master Plan to include Bebee Road as a Minor Arterial Road and establish Bebee Road as a moderate priority level roadway in the Comprehensive Master Plan. The Mobility Committee voted 6-0 to update the Transportation Master Plan to identify Bebee Road as a minor arterial roadway.

- *Public Hearing*

 [Attachments](#)

Other

25. (*Public Hearing and First Reading*) AN ORDINANCE AMENDING ORDINANCE NO. 311 (PLUM CREEK PLAN UNIT DEVELOPMENT OVERLAY DISTRICT ZONING ORDINANCE) OF THE CITY OF KYLE, TEXAS FOR THE PURPOSE OF AMENDING THE FOLLOWING SECTIONS: ARTICLE 2 PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS- PART C/ SECTION 5 "R-3" MULTIFAMILY RESIDENTIAL PUD DISTRICT (C) SITE DEVELOPMENT REGULATIONS (3)(d) MAXIMUM HEIGHT: TO AMEND THE MAXIMUM HEIGHT FROM 40 FEET TO 60 FEET AND ESTABLISHING A 25 FOOT COMPATIBILITY SETBACK WHEN ADJACENT TO A R-2 DEVELOPMENT; ARTICLE 2 PUD

DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS- PART C/ SECTION 6- “NC” NEIGHBORHOOD COMMERCIAL PUD DISTRICT (C) SITE DEVELOPMENT REGULATIONS (5)(d) MAXIMUM HEIGHT: TO AMEND THE MAXIMUM HEIGHT FROM 35 FEET TO 50 FEET AND ESTABLISHING A 25 FOOT COMPATIBILITY SETBACK WHEN ADJACENT TO R-2 DEVELOPMENT; ARTICLE 2 PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS- PART C/ SECTION 8 “MXD” MIXED USE DEVELOPMENT (D) SITE DEVELOPMENT REGULATIONS (6)(d): TO AMEND THE MAXIMUM HEIGHT FROM 3 ½ STORIES OR 50 FEET TO 5 STORIES OR 65 FEET AND ESTABLISHING A 25 FOOT COMPATIBILITY SETBACK WHEN ADJACENT TO R-2 DEVELOPMENT. AUTHORIZING THE CITY SECRETARY TO AMEND THE ORDINANCE 311 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*

- *Public Hearing*

 [Attachments](#)

26. (*Second Reading*) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF ‘R-3-3’ APARTMENT RESIDENTIAL 3 TO APPROXIMATELY 9.90 ACRES; AND ‘R-1-T’ RESIDENTIAL TOWNHOME TO APPROXIMATELY 5.45 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*

The Planning and Zoning Commission voted 6-0 to recommend approve of the applicant’s request to assign original zoning of “RS” Retail Service District to approximately 8.42, and voted 6 - 0 to recommend denial of R-3-3 Apartment Residential 3 to approximately 9.90 acres and R-1-T Residential Townhome to approximately 5.45 acres.

 [Attachments](#)

IX. City Managers Report

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

- Discussion of Installation of Emergency Panic Buttons at City Hall

 [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.