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# 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 3/5/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 28th day of February, 2013 prior to 7:00 p.m.

### I. Call Meeting To Order

### II. Approval of Minutes

1. City Council Regular Meeting - February 19, 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

2. Presentation of Employee of the Month for the Month of February ~ *Lanny Lambert, City Manager*

- Michael Bristol, Utility Foreman
- Ricardo Cisneros, Water Crew Leader

 [Attachments](#)

3. Recognition of outgoing Public Works and Service Committee members for the selfless work and dedication for the citizens of Kyle ~ *David Wilson, Council Member District 4*

 [Attachments](#)

**V. Proclamations**

4. Proclamation of the City of Kyle, Texas Proclaiming March 5, 2013 as "Heroes Behind the Badge Day" in the City of Kyle, Texas ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

**VI. Appointments**

5. Consideration of Nomination(s) for Appointment to the Parks and Recreation Committee ~ *Lucy Johnson, Mayor*

- Laddie Bordovsky, Seat 6, Term Expires 9-30-14

 [Attachments](#)

**VII. Consent Agenda**

6. Hometown Kyle Phase 4 Section 2 (FP-13-004)  
10.464 acres; 41 Lots  
Located off of Chapparo Drive  
Owner: RH of Texas  
Agent: Steven Ihnen, P.E., GICE 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](#)

7. SCC Bunton Subdivision Replat of Lot 6A to Establish Lot 1B and 2B (SFP-13-001)  
10.8198 acres; 2 Commercial Lots  
Located within the 5900 Block of Kyle Parkway  
Owner: SCC Kyle Partners, Ltd.  
Agent: Robert Smith, P.E., Doucet & Associates, 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](#)

8. The Villas at Creekside - Preliminary Plan (PP-13-001)  
3.846 acres; 30 Townhouse Lots  
Located at 104 Creekside Trail  
Owner: FHC Consolidated LP and KCW Interests 3, LLC.  
Agent: Kelly Kilber, P.E., Pro-Tech Engineering Group, Inc.  
~ Sofia Nelson, Director of Planning

*Planning and Zoning Commission voted 7-0 to Approve the Preliminary Plan.*

 [Attachments](#)

9. Waterleaf Subdivision Phase A Section 5B - Final Plat (FP-13-003)  
16.815 acres; 53 Lots  
Located off of E. FM 150 near the intersection of Waterleaf Blvd & Sunnyside Dr  
Owner: KB Home Lone Star, LP  
Agent: Steven P. Cates, P.E., Carlson, Brigance & Doering, Inc.  
~ Sofia Nelson, Director of Planning

*Planning and Zoning Commission voted 7-0 to Approve the Plat.*

 [Attachments](#)

10. Waterleaf Subdivision Phase B Section 5 - Final Plat (FP-12-008)  
33.749 acres; 88 Lots  
Located off of East FM 150  
Owner: KB Home Lone Star, LP  
~ Sofia Nelson, Director of Planning

*Planning and Zoning Commission voted 7-0 to Approve the Plat.*

 [Attachments](#)

11. Authorize award and execution of a Purchase Order to LASER TECHNOLOGY,

INC., of Centennial, Colorado, in an amount not to exceed \$4,500.00 to acquire two hand-held radars for the police motorcycle patrol units ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

12. Authorize award and execution of a Purchase Order to FIVE STAR ELECTRIC of San Antonio, Texas, in an amount not to exceed \$6,800.00 to replace a failed variable frequency drive at the Yarrington Station ~ *Harper Wilder, Director of Public Works*

 [Attachments](#)

13. Authorize award and execution of a Purchase Order to J&K UTILITY SERVICES of Buda, Texas, in an amount not to exceed \$2,552.94 for the installation of security lighting improvements at the Yarrington Station ~ *Harper Wilder, Director of Public Works*

 [Attachments](#)

14. Approval of Execution of the Partial Vacation of Drainage Easement/Private Wastewater Easement and Grant of Drainage Easement/Private Wastewater Easement for the Plat of the Brod Subdivision ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

### **VIII. Consider and Possible Action**

15. Consider a request by DDR DB Kyle, LP (Ross Dress for Less - 5086 Kyle Center Drive) for a Conditional Use Permit to construct a 25,000 square foot building located within the Interstate Highway 35 Corridor District ~ *Sofia Nelson, Director of Planning*

*Planning and Zoning Commission voted 7-0 to Approved the Conditional Use Permit.*

- Public Hearing

 [Attachments](#)

16. Consider an amendment to Article V - Landscaping and Screening Requirements to add Section 53-995 Tree Ordinance to the City of Kyle, City Code ~ *Sofia Nelson, Director of Planning*

*Planning and Zoning Commission voted 7-0 to postpone until the March 26th meeting.*

- Public Hearing

 [Attachments](#)

17. Authorize the City Manager to issue reimbursement payment #1 to Hays County in the amount of \$1,730,015.51 for right-of-way acquisitions and related services in accordance with the interlocal agreement for the RM 150 improvements project ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

18. Consideration and Possible Action to Approve the Joint Election Agreement by and between the City of Kyle and North Hays County Municipal Utility District No. 1 ~ *Lanny Lambert, City Manager*

 [Attachments](#)

19. Consideration and Possible Action to Approve the Naming of Public Facilities Policy ~ *Lanny Lambert, City Manager*

 [Attachments](#)

20. (*First Reading*) AN ORDINANCE SUSPENDING THE IMPLEMENTATION OF THE INTERIM RATE ADJUSTMENT UNDER SECTION 104.301 OF THE TEXAS UTILITIES CODE BY TEXAS GAS SERVICE COMPANY WITHIN THE CITY OF KYLE, TEXAS; REQUESTING REIMBURSEMENT FOR THE CITY'S EXPENSES FOR HIRING CONSULTANTS TO ASSIST THE CITY IN ITS REVIEW AND CONSIDERATION OF THE RATE ADJUSTMENT; AND PROVIDING FOR AN EFFECTIVE DATE ~ *Jerry Hendrix, Director of Community Development*

 [Attachments](#)

21. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING PART II, CHAPTER 2, ARTICLE III, DIVISION 4, SUBDIVISION I & II OF THE CITY OF KYLE MUNICIPAL CODE DEALING WITH THE STRATEGIC PLANNING AND FINANCE COMMITTEE, THE COMMUNITY RELATIONS COMMITTEE, THE PUBLIC WORKS & SERVICE COMMITTEE, THE MOBILITY COMMITTEE, THE PARKS AND RECREATION COMMITTEE, THE SAFETY & EMERGENCY SERVICES COMMITTEE, AND THE ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE; REVISING MEMBERS OF OFFICE; REVISING DUTIES, MEMBERSHIP, TERMS, APPOINTMENTS; AND PROVIDING FOR RELATED MATTERS ~ *Brad Pickett, Council Member District 3*

 [Attachments](#)

22. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS DECLARING THE CITY'S OPPOSITION TO THE KYLE FIRE DEPARTMENT AND HAYS COUNTY EMERGENCY SERVICES DISTRICT NUMBER 8's PLANS TO PLACE A PROPOSITION IN THE MAY 2013 GENERAL ELECTION BALLOT TO COLLECT SALES TAX FROM AREAS IN THE CITY OF KYLE EXTRA-TERRITORIAL JURISDICTION AND STATING THAT SUCH AN ACTION WOULD HAVE SEVERE RAMIFICATIONS DETRIMENTAL ON THE CITY'S ABILITY TO GROW INTO THOSE AREAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE ~ *Becky Selbera, Council Member District 2*

 [Attachments](#)

## IX. Planning and Zoning

### *Zoning*

23. (*First Reading*) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 5.115 ACRES OF LAND FROM 'C-2' COMMERCIAL – GENERAL BUSINESS TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 770 WINDY HILL ROAD, IN HAYS COUNTY, TEXAS. (NESTER DEVELOPMENT AND STEVEN AND REBECCA ENTERPRISES, INC. Z-13-001); 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 ~ *Sofia Nelson, Director of Planning*

*Planning and Zoning Commission voted 7-0 to Deny the rezone request of Retail Services and made a Recommendation to rezone the property to Community Commercial.*

- 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 Joint City Council/P&Z Meeting on March 12, 2013 at 6:30

- p.m.
- Present Resolution for Annexation

 [Attachments](#)

## **XI. Executive Session**

25. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071 and Tex. Gov't Code § 551.074, Consultation with Attorney and Personnel Matters:

- a. terms and conditions of City Attorney contract
- b. performance evaluation criteria
- c. performance of City Attorney

 [Attachments](#)

26. Reconvene Into Public Session and take action as appropriate in the Council's discretion regarding:

- a. terms and conditions of City Attorney contract
- b. performance evaluation criteria
- c. performance of City Attorney

 [Attachments](#)

## **XII. 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.