

[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 4/16/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 11th day of April, 2013 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Regular Meeting - April 2, 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. Quarterly Report Presentation by Catalyst Commercial ~ *Diana Blank, Director of Economic Development*

 [Attachments](#)

3. Presentation of Kyle Leadership Academy Certifications ~ *Jerry Hendrix, Director of Community Development*

- Ken Christie - Level 2
- Michelle Christie - Level 2
- Richard Rominger III - Level 2
- Dallas Lee Jr. - Level 2

 [Attachments](#)

4. Recognition of outgoing Community Relations Committee Chairperson Barbara Pelech in appreciation of her leadership and contributions to the City of Kyle ~ *Ray Bryant, Council Member District 6*

 [Attachments](#)

5. Recognition of outgoing Kyle Area Chamber of Commerce Executive Director Ray Hernandez for the selfless work and dedication to the Economic Development & Tourism Committee ~ *Diane Hervol, Mayor Pro Tem*

 [Attachments](#)

V. Proclamations

6. Proclamation of the City of Kyle, Texas Proclaiming the week of April 8-14, 2013 as "National Animal Control Officer Appreciation Week" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

7. Proclamation of the City of Kyle, Texas Proclaiming April 16, 2013 as "Raymond Charles Hernandez Day" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

8. Proclamation of the City of Kyle, Texas Proclaiming the week of April 14-April 20, 2013 as "National Public Safety Telecommunications Week" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

9. Proclamation of the City of Kyle, Texas Proclaiming the week of April 21-27, 2013 as "National Crime Victims' Rights Week" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

10. Proclamation of the City of Kyle, Texas Proclaiming the week of April 21-27, 2013 as "National Volunteer Week" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

VI. Consent Agenda

11. (*Second Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS,

AMENDING THE COMPREHENSIVE PLAN APPLICATION CHARTS AS FOLLOWS: AMENDED THE LOCAL NODE FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) AND COMMUNITY COMMERCIAL (CC), ZONING DISTRICTS AS RECOMMENDED, AND IDENTIFY RETAIL SERVICES (RS) AS NOT RECOMMENDED; AMENDED THE REGIONAL NODE FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC), COMMUNITY COMMERCIAL (CC), ZONING DISTRICTS AS RECOMMENDED; AMENDED THE SUPER-REGIONAL NODE FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC), COMMUNITY COMMERCIAL (CC), ZONING DISTRICTS AS CONDITIONAL, CENTRAL BUSINESS DISTRICT 1(CBD-1) AND CENTRAL BUSINESS DISTRICT 2(CBD-2) ZONING DISTRICTS AS NOT RECOMMENDED; AMENDED THE RIPARIAN LANDSCAPE FUTURE LAND USE DESIGNATION TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC), COMMUNITY COMMERCIAL (CC), AND RETAIL SERVICES ZONING DISTRICTS AS NOT RECOMMENDED; AMENDED THE FARM LANDSCAPE FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT AS CONDITIONAL, COMMUNITY COMMERCIAL (CC) AND RETAIL SERVICES (RS) ZONING DISTRICTS AS NOT RECOMMENDED; AMENDED THE RANCH LANDSCAPE FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT AS CONDITIONAL, COMMUNITY COMMERCIAL (CC) AND RETAIL SERVICES (RS) ZONING DISTRICTS AS NOT RECOMMENDED; AMENDED THE OLD TOWN FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT AS RECOMMENDED, COMMUNITY COMMERCIAL (CC) AS NOT RECOMMENDED, CBD-1 AND CBD-2 AS CONDITIONAL, SINGLE FAMILY RESIDENTIAL 1 (R-1-1) AS RECOMMENDED, SINGLE FAMILY RESIDENTIAL 2(R-1-2) AS RECOMMENDED, APARTMENTS RESIDENTIAL (R-3-3) TO NOT RECOMMENDED; AMENDED THE CORE AREA TRANSITION FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) AND COMMUNITY COMMERCIAL (CC), ZONING DISTRICTS AS RECOMMENDED, RETAIL SERVICES (RS) AS CONDITIONAL, SINGLE FAMILY RESIDENTIAL 1 (R-1-1) AS CONDITIONAL, SINGLE FAMILY RESIDENTIAL 2 (R-1-2) AS CONDITIONAL; AMENDED THE HISTORIC CORE AREA TRANSITION FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT AS CONDITIONAL AND COMMUNITY COMMERCIAL (CC) AND RETAIL SERVICES (RS) DISTRICTS AS NOT RECOMMENDED; AMENDED THE MID-TOWN COMMUNITY FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS AS CONDITIONAL, RETAIL SERVICES (RS) DISTRICTS AS NOT RECOMMENDED, AND SINGLE FAMILY RESIDENTIAL 1 (R-1-1) AS RECOMMENDED; AMENDED THE NEW SETTLEMENT COMMUNITY FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) DISTRICT AS RECOMMENDED AND RETAIL SERVICES (RS) AND COMMUNITY

COMMERCIAL (CC) ZONING DISTRICTS AS CONDITIONAL, APARTMENTS RESIDENTIAL (R-3-3), MANUFACTURED HOME SUBDIVISION (M-2) AS CONDITIONAL AND MANUFACTURED HOME PARK (M-3) AS NOT RECOMMENDED; AMENDED THE NEW TOWN COMMUNITY FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS AS RECOMMENDED AND RECREATIONAL VEHICLE (RV) ZONING DESIGNATION AS CONDITIONAL; AMENDED THE EMPLOYMENT COMMUNITY FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS AS RECOMMENDED, HOSPITAL SERVICES (HS) AS CONDITIONAL AND ENTERTAINMENT (E) AS CONDITIONAL; AMENDED THE SENSITIVE/ SUSTAINABLE FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT AS RECOMMENDED AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICT AS NOT RECOMMENDED, IDENTIFY CONSTRUCTION MANUFACTURING (CM), RETAIL SERVICES (RS), ENTERTAINMENT (E) AND WAREHOUSE (W) AS NOT RECOMMENDED; AMENDED THE HERITAGE FUTURE LAND USE DISTRICT TO IDENTIFY THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT AS RECOMMENDED AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICT AS CONDITIONAL (AS SHOWN ON EXHIBIT A) PROVIDING FOR THE AMENDMENT OF THE PLAN; PROVIDING FOR RELATED MATTERS ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

12. (*Second Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE COMPREHENSIVE MASTER PLAN- FUTURE LAND USE PLAN TO INCLUDE A REGIONAL NODE AT THE INTERSECTION OF CENTER STREET AND I-35 (BOUNDED ON THE NORTH BY GOFORTH ROAD, ON THE SOUTH JUST SOUTH OF FM 150, ON THE EAST ON LEHMAN ROAD, AND ON THE WEST BY THE UNION PACIFIC RAILROAD TRACKS) AND AS DEPICTED IN EXHIBIT A; PROVIDING FOR THE AMENDMENT OF THE PLAN; PROVIDING FOR RELATED MATTERS ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

13. Post Oak Subdivision Phase 5A (FP-13-005)
 15.411 acres; 72 Lots Located off of E. RR 150 within the Post Oak Subdivision (Extension of Langely, Goddard and Wallops)
 Owner: Continental Home of Texas, LP
 Agent: Matthew Mitchell, P.E., ALM Engineering, Inc.
 ~ *Sofia Nelson, Director of Planning*

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

 [Attachments](#)

14. Authorize award and execution of a Purchase Order to SUNBUSTERS of San Marcos, Texas, in an amount not to exceed \$2,794.58 for the installation of window tint film on all exterior windows of the new Police Department headquarters ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

15. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT AN APPROVAL LETTER, NO. DR-19999-020, FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY (TDPS); HAZARD MITIGATION GRANT PROGRAM (HMGP), AND TO ACCEPT A GRANT AWARD TOTAL OF \$3,600, AND PROVIDE \$1,200 IN LOCAL, NON-FEDERAL FUNDS TO PURCHASE A TWO YEAR SUBSCRIPTION FOR A CITIZEN'S OBSERVER, WEB BASED ALERT SYSTEM ~ *Joshua Moreno, Grants Administrator*

 [Attachments](#)

16. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE CITY MANAGER TO AGREE TO AN ACCEPTANCE LETTER FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION; AND AUTHORIZE THE ACCEPTANCE OF A GRANT AWARD UP TO \$7,000 THROUGH THE MOBILE SOLUTIONS PROGRAM, FOR THE PURCHASE AND IMPLEMENTATION OF A LIBRARY MOBILE APP, AND COSTS RELATED TO THE KYLE, PUBLIC LIBRARY'S MOBILE SOLUTIONS PROJECT ~ *Joshua Moreno, Grants Administrator*

 [Attachments](#)

VII. Consider and Possible Action

17. Consider a request by Armando Garcia (Kyle Heights Section 2 Lot 17 - 1101 Goforth Road) for a Conditional Use Permit to the existing 8,750 square foot building located within the Goforth Road Zoning Overlay District ~ *Sofia Nelson, Director of Planning*

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

- Public Hearing

 [Attachments](#)

18. Consider a request by Travis and Justin Mitchell (Mitchell Family Motor Trikes - 21701 N. IH-35) for a Conditional Use Permit to construct a 4,860 square foot building located within the Interstate Highway 35 Zoning Overlay District ~ *Sofia*

Nelson, Director of Planning

Planning and Zoning Commission voted 6-0 to approve with conditions listed in staff report.

- Public Hearing

 [Attachments](#)

19. *(Second Reading)* AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AMENDING CHAPTER 53, ZONING ARTICLE V- LANDSCAPING AND SCREENING REQUIREMENTS TO AMEND AND ESTABLISH SECTION 53-995 TREE ORDINANCE; 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*

 [Attachments](#)

20. RESOLUTION OF THE CITY OF KYLE, TEXAS SUPPORTING APPROVING A HAYS COUNTY-TEXAS DEPARTMENT OF TRANSPORTATION PARTNERSHIP PROGRAM FOR HAYS COUNTY ROADWAY PROJECTS ~ *Lucy Johnson, Mayor*

 [Attachments](#)

21. Interlocal Agreement for the Allocation of Sales Tax Revenue for the Development of Infrastructure by the City of Kyle and Hays County Emergency Services District No. 8 ~ *James Earp, Assistant City Manager*

 [Attachments](#)

VIII. City Managers Report

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

- **Changed** the May 21, 2013 City Council Meeting to May 14, 2013
- Discuss the City Council Retreat scheduled for June 22, 2013
- Discuss Joint Workshop with Council, Planning & Zoning, and the Economic Development & Tourism Committee, Tentative Date: April 25, 2013

 [Attachments](#)

IX. Staff Report

23. Present City of Kyle's Financial Performance Report (Unaudited) for the 2nd Quarter Ending March 31, 2013. ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

X. Executive Session

24. Convene into Executive Session pursuant to Tex. Gov't Code, §551.087, to deliberate offers of financial or other incentives and economic development negotiations with business prospects that the City seeks to have locate, stay or expand in or near the City

 [Attachments](#)

25. Reconvene into Open Session to take any and all actions as deemed appropriate in the City Council's discretion regarding offers of financial or other incentives and economic development negotiations with business prospects that the City seeks to have locate, stay or expand in or near the City

 [Attachments](#)

XI. 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.