

[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 6/4/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 30th day of May, 2013 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Regular Meeting - May 14, 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 May ~ *Lanny Lambert, City Manager*

- *Jane Perez, Utility Billing Supervisor*

 [Attachments](#)

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

- *Richard Baggett, Level 3*

 [Attachments](#)

4. Presentation of Kyle Chamber of Commerce Quarterly Report for Reporting Period January 2013 through March 2013 ~ *Cale Baese, President, Kyle Area Chamber of Commerce & Visitor's Bureau*

 [Attachments](#)

V. Appointments

5. Consideration of Nomination(s) for Appointment to the Community Relations Committee ~ *Lucy Johnson, Mayor*

- *Majure Whitney*

 [Attachments](#)

6. Consideration of Nomination(s) for Appointment to the Safety & Emergency Services Committee ~ *Lucy Johnson, Mayor*

- *Diane Hulan*
- *Damon Fogley*

 [Attachments](#)

7. Consideration of Nomination(s) for Appointment to the Pie Festival Committee ~ *Lucy Johnson, Mayor*

- *Lucy Constable*

 [Attachments](#)

VI. Consent Agenda

8. Ratify award and execution of a Purchase Order issued to SIGN CRAFTERS, INC., of San Marcos, Texas, in an amount not to exceed \$1,303.13 to design, engrave, and install signage throughout the interior of Police Department's headquarters ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

9. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, LP, of Austin, Texas in an amount not to exceed \$3,413.00 for materials and delivery of engineered playground wood fiber mulch for playscapes at Steeplechase Park and Waterleaf Park ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

10. Authorize execution of addendum number 1 to the maintenance agreement with

THYSSENKRUPP ELEVATOR of Austin, Texas, to set a fixed monthly charge at a reduced rate of \$200.00, an annual price cap of 5%, and to extend the contract period by two years ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

11. Possible action regarding finding 8 boxes of used VHS tapes and 1 box of used books to be of little to no value, and directing the Library Director to dispose of the used surplus by gifting it to the Library Thrift Shop where they can be liquidated and/or disposed of ~ *Connie Brooks, Library Director*

 [Attachments](#)

12. Authorize award and execution of a professional services agreement with CARLSON, BRIGANCE & DOERING, INC., of Austin, Texas, in an amount not to exceed \$1,000.00 for surveying services ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

13. Hometown Kyle Phase 3 Section 6 (FP-13-009)
6.88 acres; 25 lots
Location: Extension of Sweet Gum Drive
Owner: RH of Texas, LP
Agent: Steven Ihnen, P.E., GICE, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 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](#)

14. Hometown Kyle Phase 4 Section 2 (FP-13-004)
10.464 acres; 41 Lots
Located off of Chapparo Drive adjacent to Phase II
Owner: RH of Texas
Agent: Steven Ihnen, P.E., GICE, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the plat.

 [Attachments](#)

15. Plum Creek Phase 1 Section 12A - Preliminary (PP-13-002) & Final (FP-13-008)
3.589 acres; 2 Lots
Location: Fronting on a proposed extension of Benner approx 2000 feet west of FM 1626, south of Kohler's Crossing.
Owner: Mountain Plum, Ltd.
Agent: Alan Rhames, P.E., Axiom Engineering, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the preliminary and final plat.

 [Attachments](#)

16. The Villas at Creekside - Final Plat (FP-13-006)
3.847 acres; 30 Townhome Lots
Located at 104 Creekside Trail
Owner: FHC Consolidates, 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 5-0 to approve the plat.

 [Attachments](#)

17. Meadows at Kyle Phase Two (FP-13-010)
14.673 acres; 60 Lots
Located on the north side of Windy Hill Rd. approximately 1 mile east of IH-35
Owner: Continental Homes of Texas, LP
Agent: John Hines, P.E., Gray Engineering, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 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](#)

18. Windmill Center Subdivision (FP-12-009)
5.74 acres; 3 lots
Located on the east side of IH-35 north of intersection Goforth Road
Owner: Dennis Artale
Agent: Hugo Elizondo, Jr. P.E., Cuatro Consultants
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the plat.

 [Attachments](#)

19. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING MEADOWS AT KYLE PHASE ONE SUBDIVISION 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 D. Widacki, City Engineer*

 [Attachments](#)

20. *(Second Reading)* AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, (“CITY”) APPROVING IMPLEMENTATION OF THE FEBRUARY 11, 2013 INTERIM RATE ADJUSTMENT FILING PURSUANT TO THE TEXAS UTILITIES CODE § 104.301 OF TEXAS GAS SERVICE COMPANY, A DIVISION OF ONEOK, INC. (“TGS” OR “COMPANY”); AND DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE ~ *Jerry Hendrix, Director of Community Development*

 [Attachments](#)

21. Consideration and Possible Action to Approve an Interlocal Agreement regarding Asset Forfeitures within Hays County ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

VII. Consider and Possible Action

22. A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE JUNE 1, 2013, RUNOFF ELECTION OF THE CITY OF KYLE, TEXAS ~ *Frank Garza, City Attorney*

 [Attachments](#)

23. Authorize the City Manager to negotiate and execute a professional services

agreement with PADGETT, STRATEMANN & CO., LLP of Austin, Texas, to provide independent financial audit services to the City of Kyle for fiscal years ending September 30, 2013, 2014, and 2015 with two 1-year extension options ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

24. Authorize Solicitation of Request for Qualifications (RFQ) for Professional Services for Engineering and Related Services for the five (5) Roadway Projects consisting of Bunton Creek Road, North Burleson Street, Goforth Road, Lehman Road and Marketplace Avenue, Approved by the Bond Election held May 11, 2013. **Related to Agenda Item No. 25** ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

25. Authorize the City Manager to begin the process for the issuance of General Obligation Bonds, Series 2013 in the amount of \$5,400,000.00 plus an estimated \$108,200.00 for cost of issuance by August 31, 2013 to pay for engineering, design, and related services associated with the five (5) roadway improvement projects consisting of Bunton Creek Road, North Burleson Street, Goforth Road, Lehman Road, and MarketPlace Avenue as authorized by the voters of Kyle, Texas on May 11, 2013. **Related to Agenda Item No. 24** ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

26. Authorize award of a Construction Contract to JKB CONSTRUCTION COMPANY, LLC of Austin, Texas, in an amount not to exceed \$348,489.00 and authorize water impact fee credits (offsets) in the amount of \$348,489.00 for the Plum Creek Section 11 and 12, 12-Inch CIP Water Line Improvements consistent with Section 4.05d of the Plum Creek Development Agreement ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

27. Consider a variance request by Mauricio Quintero-Rangel, on behalf of Daniel Rivera, to Section 41.141 of the City of Kyle Code which requires all electrical, telephone, cable television and similar lines shall be placed underground to allow for overhead electric at 1626 Roland Lane, Kyle, Texas ~ *Sofia Nelson, Director of Planning*

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

 [Attachments](#)

28. Consider a variance request by Mauricio Quintero-Rangel, on behalf of Daniel Rivera, to Section 41-137 of the City of Kyle code which requires all subdivisions

which front on a local or collector street to dedicate land for one-half of the required right-of-way of an adjacent local and collector street and pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage to not require the payment of the road improvement fee at 1626 Roland Lane Kyle, Texas ~ *Sofia Nelson, Director of Planning*

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

 [Attachments](#)

29. Consider a variance request by Mauricio Quintero-Rangel, on behalf of Daniel Rivera, to Chapter 41- Subdivisions of the City of Kyle code which requires all plats not considered a short-form plat to submit a concept plan, preliminary plan, and final plat to allow for the submittal of just a final plat for a proposed subdivision located at 1626 Roland Lane ~ *Sofia Nelson, Director of Planning*

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

 [Attachments](#)

30. Rojo Subdivision - Final Plat (FP-13-002)
15 acres; 5 Lots
Located on Roland Lane approx 1000 feet east of CR 136
Owner: Daniel Rivera
Agent: Mauricio Quintero-Rangel, P.E.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the plat with the condition that the three variances be granted or meet the requirements of the subdivision ordinance.

 [Attachments](#)

31. RV Land (SD-13-006)
10 acres; 1 Lot
Located at 23401 N. IH-35
Owner: Joe Lance Stewart
Agent: Jim Herbert, P.E.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the site plan with the condition that all outstanding Engineer and Public Works Comments be addressed.

- Public Hearing

 [Attachments](#)

32. Consider a variance request by Joe Lance Stewart for property located at 23401 N. IH-35 to allow for a reduction in the number and size of trees.
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the variance request with the planting of 50 trees and 166 shrubs in lieu of 80 trees 2 inch in caliper at the cost of \$100 per caliper inch and the money shall go to the Parks Department for planting within the City and 93 shrubs would be purchased at a cost negotiated by the Parks Director and also planted within the City.

 [Attachments](#)

33. (First Reading) AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.95 ACRES FROM 'R-1' RESIDENTIAL-1 TO 'RS' RETAIL SERVICE DISTRICT ON PROPERTY LOCATED AT 905 OLD HWY 81 NORTH, IN HAYS COUNTY, TEXAS. (MARIA CASTILLO - Z-13-002); 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

Planning and Zoning Commission recommended denial of the request for Retail Services and recommended approval of Community Commercial Zoning Designation.

- Public Hearing

 [Attachments](#)

34. (First Reading) AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 7.634 ACRES FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-3' APARTMENTS RESIDENTIAL 3 ON PROPERTY LOCATED SOUTH OF AMBERWOOD S. AND IH-35 FRONTAGE ROAD, IN HAYS COUNTY, TEXAS. (SOUTH CORRIDOR PARK, LTD Z-13-005); 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 ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to deny the request of R-3-3 and recommended approval of R-3-2 Zoning.

- Public Hearing

 [Attachments](#)

35. *(First Reading)* AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS FOR THE PURPOSE OF REZONING APPROXIMATELY 7.890 ACRES FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-3' APARTMENTS RESIDENTIAL 3 ON PROPERTY LOCATED NORTH OF AMBERWOOD S. AND IH-35 FRONTAGE ROAD, IN HAYS COUNTY, TEXAS. (SOUTH CORRIDOR PARK, LTD - Z-13-004); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT HIS 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*

Planning and Zoning Commission voted 4-1 to deny the rezone request.

- Public Hearing

 [Attachments](#)

36. Consider a request by DDR DB Kyle, LP (Chicken Express - 5493 Kyle Center Drive) for a Conditional Use Permit to construct a 3,216.33 square foot building located within the Interstate Highway 35 Corridor District.
Owner: DDR DB Kyle, LP
Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the conditional use permit.

- Public Hearing

 [Attachments](#)

37. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES, MISCELLANEOUS OFFENSES OF THE CITY OF KYLE SO AS TO ADD ARTICLE IX MASS GATHERINGS AND ESTABLISH PERMIT REQUIRMENTS, APPLICATION PROCESS AND REGULATE NOISE LEVELS FROM SUCH EVENTS, DECLARING A PUBLIC PURPOSE, ESTABLISHING A PENALTY AND SETTING AN EFFECTIVE DATE ~ *Jeff*

Barnett, Chief of Police

 [Attachments](#)

38. Adoption of policy for the application and scheduling of messages on the LED marquee located on Mary Kyle Hartson City Square Park ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

39. Consideration and Possible Action on the Economic Development Incentive Request by Project Fern ~ *Diana Blank, Director of Economic Development*

 [Attachments](#)

VIII. City Managers Report

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

1. Discuss City Council Retreat scheduled for June 22, 2013
2. Discuss Bond Calendar
3. Discuss Street Construction Management

 [Attachments](#)

IX. Executive Session

41. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071, Consultation with City Attorney regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc.

 [Attachments](#)

42. Convene into Executive Session pursuant to Section 551.087, Tex. Gov't Code, 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, (Project Fern)

 [Attachments](#)

43. Reconvene into Public Session and take action as appropriate in the Council's discretion regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc.

 [Attachments](#)

44. 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, (Project Fern)

 [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.