

[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 7/2/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 27th day of June, 2013 prior to 7:00 p.m.

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### I. Call Meeting To Order

### II. Approval of Minutes

1. City Council Regular Meeting - June 18, 2013 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

2. City Council Special Called Meeting - June 20, 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

3. Presentation of Employee of the Month for the Month of June ~ *Lanny Lambert, City Manager*

- *Cindy De Leon, City Hall Receptionist*

 [Attachments](#)

4. Plum Creek Watershed Project Update ~ *Nick Dornak, Plum Creek Watershed Coordinator*

 [Attachments](#)

## V. Appointments

5. Confirmation of the City Manager's Appointment to the Civil Service Commission  
~ *Lanny Lambert, City Manager*

- *Cindy Lawton* - Reappointment to third three-year term
- *James Adkins* - Reappointment to second three-year term

 [Attachments](#)

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

- *Cynthia Bentley*
- *Rachel McKenna*
- *Mary Halenza*
- *Ivana Flowers*

 [Attachments](#)

7. Consider City Council Member Appointment to the Public Safety Answering Point (PSAP) Co-Location Project Executive Committee ~ *Lucy Johnson, Mayor*

 [Attachments](#)

## VI. Consent Agenda

8. Authorize award and execution of a Purchase Order to WORKPLACE RESOURCE of Austin, Texas in an amount not to exceed \$8,196.94 for the purchase, design and installation of office furniture for the Kyle Public Library. ~  
*Connie Brooks, Director of Library*

 [Attachments](#)

9. Authorize the City Manager to negotiate and amend the master copier lease agreement with RICOH USA, INC., (fka IKON OFFICE SOLUTIONS, INC.) for two copiers/printers for the Building Inspection and Financial Services Departments in order to (1) reduce the lease charges from \$787.00 to \$712.90 per month and (2) renew the contract term for a 60-month period beginning July 2013 and ending June 2018. ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

10. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, L.P., Austin, Texas, in an amount not to exceed \$11,468.00 for the

purchase, delivery and installation of picnic tables and trash receptacles for Gregg-Clarke Park. ~ *Kerry Urbanowicz, C.P.S.M., Director for Kyle Parks, Recreation & Facilities*

 [Attachments](#)

11. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, L.P., Austin, Texas, in an amount not to exceed \$11,136.00 for the purchase, delivery and installation of picnic tables, trash receptacles and drinking fountain for Lake Kyle Park. ~ *Kerry Urbanowicz, C.P.S.M., Director for Kyle Parks, Recreation & Facilities*

 [Attachments](#)

12. Kensington Trails Section 5 - Preliminary Plan (PP-12-006)  
36.04 acres; 119 Lots  
Location: 2200 Block of Bebee Road, East end of Downing Way  
Owner: Kensington Place Ventures, Ltd.  
Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants  
~ *Sofia Nelson, Director of Planning*

*Planning and Zoning Commission voted 4-0 to approve the preliminary plan.*

 [Attachments](#)

13. Plum Creek Phase 1 Section 6E2-1 - Final Plat (FP-13-011)  
11.256 acres; 62 lots  
Located between the extension of Kirby and extension of Sanders adjacent to Golf Course  
Owner: Plum Creek Development Partner, Ltd.  
Agent: Alan Rhames, P.E., Axiom Engineers, Inc.  
~ *Sofia Nelson, Director of Planning*

*Planning and Zoning Commission voted 4-0 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. Plum Creek Phase 1 Section 6E2-1 Preliminary Plan (PP-13-004)

11.256 acres; 62 lots

Located between extension of Kirby and extension of Sanders adjacent to the Golf Course.

Owner: Plum Creek Development Partners, Ltd.

Agent: Alan Rhames, P.E., Axiom Engineers Inc.

~ Sofia Nelson, Director of Planning

*Planning and Zoning Commission voted 4-0 to statutorily disapprove the preliminary plan.*

*(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](#)

15. Meadows at Kyle Phase Two - Final Plat (FP-13-010)

14.673 acres; 60 lots

Located on the north side of Windy Hill Road 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 4-0 to approve the final plat.*

 [Attachments](#)

16. *(Second Reading)* AN ORDINANCE AUTHORIZING THE RELEASE OF A PORTION OF THE CITY OF KYLE'S EXTRATERRITORIAL JURISDICTION ("ETJ"); APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND THE CITY OF KYLE REGARDING THE MUTUAL RELEASE OF ETJ; AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS RELATING TO AN AGREEMENT BETWEEN THE CITY OF KYLE AND THE CITY OF SAN MARCOS FOR THE MUTUAL RELEASE OF ETJ AND KYLE EXPANSION OF ITS ETJ; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING. ~ Sofia Nelson, Director of Planning

 [Attachments](#)

17. *(Second 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 REQUIREMENTS, 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](#)

## **VII. Consider and Possible Action**

18. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING NO MORE THAN TWO CITY OF KYLE COUNCIL MEMBERS TO BE APPOINTED TO A SELECTION COMMITTEE FOR THE PURPOSES OF REVIEWING SUBMITTALS RELATING TO THE ROAD BOND ENGINEERING SERVICES RFQ FOR THE DESIGN OF LEHMAN ROAD, NORTH BURLESON STREET, MARKETPLACE AVENUE, GOFORTH ROAD, AND BUNTON CREEK ROAD, AND MAKING A RECOMMENDATION TO THE CITY COUNCIL FOR THE SELECTION OF A FIRM(S) TO PERFORM THE DESIRED WORK. ~ *Steven Widacki, P. E., City Engineer*

 [Attachments](#)

19. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 33.90 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED WITHIN THE 1000-1100 BLOCK OF REBEL ROAD, JUST NORTH OF SILVERADO DRIVE, IN HAYS COUNTY, TEXAS. (D&L BROOKS INVESTMENTS Z-13-007); 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 4-0 to approved the rezone request*

- Public Hearing

 [Attachments](#)

20. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 8.63 ACRES OF LAND FROM 'RS'

RETAIL SERVICE DISTRICT TO 'CC' COMMUNITY COMMERCIAL, ON PROPERTY LOCATED WITHIN THE 1000-1100 BLOCK OF REBEL ROAD, JUST NORTH OF SILVERADO DRIVE, IN HAYS COUNTY, TEXAS. (D&L BROOKS INVESTMENTS Z-13-009); 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 4-0 to approve the rezone request*

- Public Hearing

 [Attachments](#)

21. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF 'W' WAREHOUSE DISTRICT TO APPROXIMATELY 25.10 ACRES, ON PROPERTY LOCATED AT 23045 IH-35 IN HAYS COUNTY, TEXAS. (NL LAND HOLDING – Z-13-006); 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 3-1 to approve the zoning request.*

- Public Hearing

 [Attachments](#)

22. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY .41 ACRES OF LAND FROM 'R-3-2' MULTI-FAMILY RESIDENTIAL 2 TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 575 E. RR 150 – BUILDING 3, IN HAYS COUNTY, TEXAS. (KYLE RETAIL PARTNERS); 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 4-0 to approve the rezone request.*

- Public Hearing

 [Attachments](#)

23. A RESOLUTION TO PROVIDE FOR THE POSSIBLE EXTENSION OF THE CITY OF KYLE MUNICIPAL BOUNDARIES BY THE ANNEXATION OF APPROXIMATELY 47.2 ACRES OF LAND IN HAYS COUNTY, TEXAS THAT IS GENERALLY LOCATED SOUTH OF RR 150 AND WEST OF SIEBERT DRIVE / HEIDENREICH LANE AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; SETTING THE DATES AND TIMES OF TWO PUBLIC HEARINGS FOR THE PURPOSE OF ANNEXING PROPERTY AND SETTING AN EFFECTIVE DATE.

~ *Sofia Nelson, Director of Planning*

*Planning and Zoning Commission voted 4-0 to recommend proceeding with the proposed annexation.*

 [Attachments](#)

### **VIII. Council Requested Agenda Items**

24. Consideration and Possible Action to replace and install auto opening door(s) in Kyle City Hall at an estimated cost of \$39,200.00 ~ *Kerry Urbanowicz, Director of Parks & Recreation*

 [Attachments](#)

25. Consideration and Possible Action to repair and replace lights and fixtures on Kyle Parkway and Seton Parkway at an estimated cost of \$35,000.00 ~ *Kerry Urbanowicz, Director of Parks & Recreation*

 [Attachments](#)

26. *(First Reading)* Consideration and Possible Action to approve an Ordinance to amend the City's Approved Budget for Fiscal Year 2012-13 by increasing total appropriations in the General Fund by \$74,200.00 for (1) the installation of automatic doors at Kyle City Hall with an estimated cost of \$39,200.00 and (2) for the repair and or replacement of street light fixtures on Kyle Parkway/Seton Parkway with an estimated cost of \$35,000.00. Related to Agenda Item Nos. 24 and 25. ~ *Perwez A. Moheet, CPA, Director of Finance*



 [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*

- Discuss Date for City Council Retreat
- Discuss Starting Time for All Council Budget Workshops (6:00 p.m., 6:30 p.m., or 7:00 p.m.)
- Discuss Preliminary Budget Estimates for FY 2014 and Efforts Underway to Present a Balanced City Budget on August 1st.

 [Attachments](#)

## **X. Executive Session**

28. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071 and Tex. Gov't. Code § 551.074, Consultation with City Attorney and Personnel Matters to discuss interpretation of Section 3.02 of the City Charter regarding qualifications for City Council office.

 [Attachments](#)

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

 [Attachments](#)

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

1. Section 3.02 of the City Charter regarding qualifications for City Council;
2. Settlement negotiations between the City of Kyle and Aqua Operations, Inc.

 [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.