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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 7/16/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

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

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Regular Meeting - July 2, 2013 ~ Amelia Sanchez, City Secretary



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 Jason Claunch with Catalyst Commercial ~ Diana Blank, Director of Economic Development
 - **Attachments**
- 3. Presentation on the Police Department's new Kyle Alert Network, an emergency notification and anonymous tip communication system designed to enhance public safety ~ *Jeff Barnett, Chief of Police*
 - Attachments

V. Appointments

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

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- Lisha Wilkinson Barker
- Valerie Marburger
- **Attachments**

VI. Consent Agenda

- 5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING BUNTON CREEK 6A 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**
- 6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING HOMETOWN KYLE PHASE IV SECTION 1 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
- 7. Hometown Kyle Phase 3 Section 6 (FP-13-009)

6.88 acres; 25 Lots

Location: Extension of Sweet Gum Drive

Owner: RH of Texas

Agent: Steven Ihnen, P.E., GICE Inc. ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to approve the plat.

- Attachments
- 8. (Second 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

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LAW. ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to approved the rezone request.

Attachments

9. (Second 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** 'CC' TO 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 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.

Attachments

10. (Second 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.

Attachments

11. (Second 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

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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.

Attachments

12. Wagner Hill Subdivision (AFP-13-004)

9.26 acres; 2 lots

Located off of FM 2001 within Kyle ETJ

Owner: Tom and Nancy Spillar

Agent: Kyle Smith, Bryn & Associates, 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

13. Mitchell Motorsports Subdivision (AFP-13-005)

2.24 acres; 1 Lot

Located at 21701 IH-35 Owner: Travis Mitchell Agent: Lynn Alderson, P.E.

~ 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

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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. Possible action regarding finding 15 boxes of used books and 7 boxes of used VHS tapes 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**
- 15. Considerationa and Possible Action on Approving the Hays-Caldwell Women's Center (HCWC) Roxanne's House Interagency Memorandum of Understanding ~ *Jeff Barnett, Chief of Police*
 - Attachments

VII. Consider and Possible Action

- 16. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A LOAN APPLICATION IN THE PRINCIPAL AMOUNT OF \$750,000.00 TO THE TEXAS WATER DEVELOPMENT BOARD FROM THE TEXAS WATER DEVELOPMENT FUND (DFUND); AUTHORIZING THE CITY MANAGER TO FACILITATE THE PROPER REQUEST FOR FUNDING ASSISTANCE TO COVER THE COSTS OF WATER STORAGE TANK REPAIRS AND THE DEVELOPMENT OF A WATER SYSTEM MODEL; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ Joshua Moreno, Grants Administrator
 - Attachments
- 17. Consider a request by Comanche A.S.H. One, Ltd. (Kyle Office Park 1501 Goforth Road) for a Conditional Use Permit to construct a 6,861 square foot building located within the Goforth Zoning Overlay District. ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to approve the Conditional Use Permit.

- Public Hearing
- Attachments
- 18. (First Reading) AN ORDINANCE AMENDING ORDINANCE NO. 438

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(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.

Attachments

19. (First Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CHAPTER 29, "SIGN STANDARDS AND PERMITS" OF THE CITY'S CODE OF ORDINANCES RELATIVE TO PERMITTING EXISTING OFF-PREMISE COMMERCIAL BILLBOARDS TO BE CONVERTED TO CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS ("CEVMS") SUBJECT TO SPECIFIC APPROVAL OF THE CITY COUNCIL; AMENDING VARIOUS SECTIONS OF THE SIGN REGULATIONS TO BE CONSISTENT THE ABILITY TO CONVERT EXISTING **COMMERCIAL** WITH ALL BILLBOARDS INTO CEVMS; REPEALING CONFLICTING ORDINANCES; REQUIRING A SIGN FACE EXCHANGE RATIO FOR DIGITAL DISPLAY SIGNS; PROVIDING OPERATIONAL REQUIREMENTS FOR DIGITAL DISPLAY SIGNS; REQUIRING AN ANNUAL REGISTRATION FEE; PROVIDING A PENALITY NOT TO EXCEED \$2,000; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE ~ Mario Perez, Building Official

Sign Control Board voted 6-0 to approve the ordinance.

Attachments

20. (First Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PLUMBING CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE; PROVIDING FOR THE

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ADOPTION OF LOCAL AMENDMENTS THERETO; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FUEL GAS CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; ADOPTING THE 2008 NATIONAL ELECTRICAL CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS; PROVIDING FOR PERMITS AND INSPECTION; PROVIDING FOR REGISTRATION AND LICENSE REQUIREMENTS FOR PLUMBING, MECHANICAL, AND ELECTRICAL CONTRACTORS; PROVIDING FOR A PENALTY FOR VIOLATION HEREOF; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; AMENDING THE CITY ORDINANCE AND THE CODE OF ORDINANCES; REPEALING ALL PARTS OF **ORDINANCES** CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS ~ Mario Perez, Building Official

Safety & Emergency Services Committee voted 4-0 to approve the ordinance.

- Attachments
- 21. Consideration and Possible Action as may be required in regards to Adopting an Amended Water Conservation Plan that adds utility customer rebates and or reimbursements for certain water conservation improvements as identified in the amended Water Conservation Plan and agreement with Edwards Aquifer Authority ~ James Earp, Assistant City Manager
 - Attachments
- 22. A RESOLUTION OF THE CITY OF KYLE, TEXAS AUTHORIZING THE CITY MANAGER TO EXCHANGE CERTAIN PERSONAL PROPERTY WITH HCESD #5 DBA KYLE FIRE ~ James Earp, Assistant City Manager
 - Attachments
- 23. Consideration and Possible Action as may be required in regards to an Interlocal Agreement between the City of Kyle and the Hays County Emergency Services District #5 (dba Kyle Fire) for the Allocation of Sales Tax Revenue, Rent, and other Financial Considerations ~ *James Earp, Assistant City Manager*
 - Attachments

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24. Consideration and Possible Action regarding Resolutions for consideration at the 2013 Texas Municipal League Annual Conference ~ *Lanny Lambert, City Manager*

Attachments

25. Consideration and Possible Action as may be appropriate in regards to ratifying the City of Kyle and Kyle Police Association Meet and Confer Agreement and directing the City Manager to execute said agreement ~ *James Earp, Assistant City Manager*

Attachments

VIII. City Managers Report

- 26. Update on Various Capital Improvement Projects, Road Projects, Building Program, and/or General Operational Activities ~ Lanny Lambert, City Manager
 - City Council Retreat, July 29 & 30, 2013, 6:30 p.m., Historic Kyle City Hall
 - Special Called City Council Meeting, 9-10-13, 7:00 p.m., RR 150 Annexation
 - **Attachments**

IX. Staff Report

- 27. Update and Presentation on Plum Creek Planned Unit Development (PUD) development standards ~ *Sofia Nelson, Director of Planning*
 - Attachments

X. Executive Session

- 28. Convene into Executive Session pursuant to Section 551.071, Tex. Gov't Code and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding legal issues related to the Meet and Confer Agreement, negotiations and process
 - Attachments
- 29. Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding the Meet and Confer Agreement, negotiations and process
 - Attachments

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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.