

[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 9/3/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 29th day of August, 2013 prior to 7:00 p.m.

### I. Call Meeting To Order

### II. Approval of Minutes

1. City Council Special Called Meeting - August 13, 2013 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

2. City Council Special Called Meeting - August 14, 2013 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

3. City Council Regular Meeting - August 20, 2013 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

4. City Council Special Called Meeting - August 21, 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

5. Presentation of Employee of the Month for the Month of August ~ *Lanny Lambert, City Manager*

- *Victoria Vargas, Administrative Assistant, Economic Development*

 [Attachments](#)

#### V. Proclamations

6. Proclamation of the City of Kyle, Texas Proclaiming the week of September 17th through September 23rd as "Constitution Week" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

#### VI. Consent Agenda

7. Authorize execution of an amendment to the professional services agreement with CARLSON, BRIGANCE & DOERING, INC., of Austin, Texas in an amount not to exceed \$12,500.00 for survey services associated with the parcels under consideration in the 2013 annexation plan. **Related to Agenda Item No. 8** ~ *Sofia Nelson, Director of Planning & Zoning*

 [Attachments](#)

8. *(First Reading)* Consider approving an Ordinance to amend the City's approved Budget for Fiscal Year ending September 30, 2013 by increasing total appropriations in the General Fund by \$12,500.00 for survey of various parcels being considered in the 2013 annexation plan. **Related to Agenda Item No. 7** ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

9. Authorize award of a construction contract for "2013 Manhole Rehabilitation" to LEWIS CONCRETE RESTORATION of Buda, Texas based upon Bids received and opened on August 15, 2013, in an amount not to exceed \$103,180.00 to repair selected manholes in the City Wastewater Collection System. ~ *Harper Wilder, Director of Public Works*

 [Attachments](#)

10. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, L.P. in Austin, Texas, in an amount not to exceed \$7,000.00 for the purchase, delivery and installation of picnic tables for Kyle Pool at Gregg-Clarke Park. ~ *Kerry Urbanowicz, C.P.S.M., Director for Kyle Parks, Recreation & Facilities*

 [Attachments](#)

11. Authorize execution of a service agreement with AT&T of Austin, Texas to provide cell phone service coverage for all City of Kyle owned cell phones and authorize award and execution of a Purchase Order in an amount not to exceed \$1,250.00 for the purchase of one hundred and nine (109) cell phone devices for the City of Kyle. This authorization will change the City's current cell phone service provider from Sprint to AT&T ~ *Mark Shellard, Director of Information Technology*

 [Attachments](#)

12. *(Second Reading)* AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AMENDING PART II-CODE OF ORDINANCES/CHAPTER 53-ZONING/ARTICLE III-OVERLAY DISTRICTS/DIVISION 4- CONDITIONAL USE OVERLAY DISTRICTS TO AMEND THE APPROVAL AUTHORITY OF CONDITIONAL USE PERMITS FROM THE CITY COUNCIL TO THE PLANNING AND ZONING COMMISSION ; 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*

*Planning and Zoning Commission voted 7-0 to approve the Code Amendment*

 [Attachments](#)

13. *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS REQUIRING PUBLIC UTILITIES TO PROVIDE MINIMUM FIRE FLOW FROM FIRE HYDRANTS AND TO PAINT ALL HYDRANTS RED; ENCOURAGING EMERGENCY SERVICE DISTRICTS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH SUCH UTILITIES; PROVIDING FOR PUBLIC NOTICE PURSUANT TO THE TEXAS PUBLIC INFORMATION ACT AND PROVIDING FOR A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE ~ *Jerry Hendrix, Director of Community Development*

 [Attachments](#)

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING THE BUNTON CREEK WASTEWATER INTERCEPTOR PHASE 3A WASTEWATER 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 Widacki, P.E., City Engineer*

 [Attachments](#)

## VII. Consider and Possible Action

15. Consider approving the inclusion of rates for solid waste collection and disposal services in the City's Fees & Charges Schedule for Fiscal Year 2013-14 as provided for in the contract agreement with TEXAS DISPOSAL SYSTEMS in effect until March 31, 2021. ~ *Lanny S. Lambert, City Manager*

 [Attachments](#)

16. *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, INCLUDING WATER AND WASTEWATER RATE INCREASES, IMPLEMENTATION OF NEW CITY FEES, OTHER FEE INCREASES AS SPECIFIED IN THE FEE SCHEDULE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. ~ *Lanny Lambert, City Manager*

 [Attachments](#)

17. *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS FIXING THE AD VALOREM TAX RATE, AND PROVIDING FOR THE LEVYING OF AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND TERMINATING SEPTEMBER 30, 2014; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID. ~ *Lanny Lambert, City Manager*

 [Attachments](#)

18. Consider Approval of Municipal Judge Selection Process ~ *Lanny Lambert, City Manager*

 [Attachments](#)

19. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH CHARLES L. LaCAZE JR. FOR APPROXIMATELY 20.207 ACRES GENERALLY LOCATED WEST OF HEIDENRICH LANE AND NORTH OF E. RR 150; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

20. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH DONALD, GENE, LYNETTE, MARK, AND SHARON HOFMAN FOR APPROXIMATELY 84.936 ACRES GENERALLY LOCATED NORTH OF E. RR 150 AND WEST OF STATE HIGHWAY 21; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

21. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH ERNESTINE WHITE HOFMAN FOR APPROXIMATELY 82.416 ACRES GENERALLY LOCATED SOUTH OF E. RR 150 AND WEST OF STATE HIGHWAY 21; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

22. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH GARY AND NANCY HUTZLER, FOR APPROXIMATELY 52.913 ACRES GENERALLY LOCATED NORTH OF EAST RR 150, EAST OF HEIDENRICH LANE AND WEST OF STATE HIGHWAY 21; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

23. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH HARVEY AND GLORIA EVANS FOR APPROXIMATELY 102.167 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 21 AND EAST RR 150; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

24. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE

MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH KENNETH JOE O'BRYANT FOR APPROXIMATELY 14.007 ACRES GENERALLY LOCATED NORTH OF E. RR 150 AND WEST OF HEIDENRICH LANE; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

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25. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH SHARON HOFMAN WILKINSON FOR APPROXIMATELY 20.699 ACRES GENERALLY LOCATED NORTH OF E. RR 150 AND WEST OF STATE HIGHWAY 21; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

26. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH KY-TEX PROPERTIES, FOR APPROXIMATELY 133.925 ACRES GENERALLY LOCATED WEST OF N.OLD STAGECOACH ROAD AND NORTH OF CYPRESS ROAD; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

27. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AMENDING THE CITY OF KYLE RULES OF CITY COUNCIL, PROVIDING FOR MEETINGS, AGENDA, COUNCIL PROCEEDINGS, PARLIAMENTARY PROCEDURE, DEBATE, DECORUM, CITIZEN PARTICIPATION AT MEETINGS, AND MISCELLANEOUS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ *Lanny Lambert, City Manager*

 [Attachments](#)

28. Authorize the Execution of Amendment Number 1 to the Professional Services Agreement with RPS ESPEY, D.B.A. as RPS (RPS) to perform the Design Services associated with the Southside Wastewater Improvements (WW Impact Fee Project) in an amount Not to Exceed \$53,442.00, revising the total contract amount to \$374,419.00. ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

29. Reconsider Approval of Roundabout recommendation to TXDOT regarding Intersection of FM 1626 and Kohler's Crossing ~ *Samantha LeMense, Mayor Pro Tem; Diane Hervol, Council Member District 1; Ray Bryant, Council Member District 6*

 [Attachments](#)

30. Authorize the Mayor to sign a letter in response to a letter from Charles Profilet, President of Monarch Water Corp., dated August 19th, 2013, and sent to Kyle Mayor Lucy Johnson, regarding the proposed ordinance requiring fire hydrants owned by investor owned utilities within the Kyle city limits provide minimum fire flows and be painted red. ~ *Lucy Johnson, Mayor*

 [Attachments](#)

31. Consideration and Possible Action regarding the Nomination of Appraisal District Directors ~ *Lanny Lambert, City Manager*

 [Attachments](#)

## VIII. City Managers Report

32. Update on Various Capital Improvement Projects, Road Projects, Building Program, and/or General Operational Activities ~ *Lanny Lambert, City Manager*
1. Discuss City Council Retreat document
  2. Discuss Annexation Schedule
    - 9-10-13, Special Called Council Meeting: 1st Public Hearing & Present Service Plan
    - 9-17-13, Regular Council Meeting: 2nd Public Hearing & Present Service Plan
    - 10-08-13, Special Called Council Meeting: 1st Reading of Ordinance
    - 10-15-13, Regular Council Meeting: 2nd-Final Reading of Ordinance

 [Attachments](#)

## IX. Executive Session

33. 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 the lawsuit pending in the Austin Court of Appeals, Save Our Springs Alliance, Inc. v. City of Kyle, Jack Goodman, Barton Springs/Edwards Aquifer Conservation District, et al., Cause No. 03-13-00271-CV, and Appellant Save Our Springs Alliance's settlement offer.

 [Attachments](#)

34. 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](#)

35. Convene into Executive Session pursuant to Section 551.074, Tex. Gov't Code to discuss the appointment and position of City Attorney.

 [Attachments](#)

36. Reconvene into open session to take any and all actions as deemed appropriate in the City Council's discretion regarding the Save Our Springs Alliance, Inc.'s settlement offer.

 [Attachments](#)

37. Reconvene into Open Session pursuant to Take Action as Deemed Appropriate in the City Council's Discretion regarding settlement negotiations between the City of Kyle and Aqua Operations, Inc.

 [Attachments](#)

38. Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding the appointment and position of City Attorney.

 [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.