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 10/15/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 10th day of October, 2013 prior to 7:00 p.m.

#### I. Call Meeting To Order

#### II. **Approval of Minutes**

- 1. City Council Regular Meeting October 2, 2013 ~ Amelia Sanchez, City Secretary
  - Attachments
- 2. City Council Workshop October 3, 2013 7:00 p.m. ~ 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. Catalyst Commercial Quarterly Report ~ Presented by Diana Blank, Director of Economic Development
  - Attachments
- 4. Recognition of Police Officer James Plant for his service to the community by the Wives Behind the Badge organization ~ Jeff Barnett, Chief of Police
  - Attachments

NovusAGENDA Page 2 of 9

5. Recognition of Mike Vasil by the City of Kyle for serving on the Safety and Emergency Services Committee from 2009 to 2013 ~ Jeff Barnett, Chief of Police

Attachments

#### V. **Proclamations**

- 6. Proclamation of the City of Kyle, Texas Proclaiming October 23, 2013 as "Kyle Head Start Program Day" in Kyle, Texas ~ Lucy Johnson, Mayor
  - Attachments
- 7. Proclamation of the City of Kyle, Texas Proclaiming October 19-26, 2013 as "Red Ribbon Week" in Kyle, Texas ~ Lucy Johnson, Mayor
  - Attachments

#### VI. Appointments

- 8. Consideration of Nomination(s) for Appointment to the Safety and Emergency Services Committee ~ Lucy Johnson, Mayor
  - Jeff Earle, reappointment
  - Jennifer Lehman, reappointment
  - Dianne Hulan, reappointment
  - Damon Fogley, reappointment, Alternate #1
  - Vacant, Place 3 At Large
  - Vacant, Alternate #2
  - Attachments

#### VII. Consent Agenda

- 9. (Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS. ANNEXING APPROXIMATELY 1.5 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, WEST OF DACY LANE, AND SOUTH WEST OF SUNFLOWER CIRCLE AND CONTIGUOUS TO THE CITY LIMITS ON FOUR SIDES AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT: PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ Sofia Nelson, Director of Planning
  - Attachments
- 10. (Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 18.62 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE

NovusAGENDA Page 3 of 9

NORTHWEST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE: PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ Sofia Nelson, Director of Planning

#### Attachments

11. (Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 35 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF WINDY HILL ROAD, WEST OF DACY LANE AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ Sofia Nelson, Director of Planning

#### Attachments

12. (Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 32.3 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF WINDY HILL ROAD, WEST OF PARK SOUTH DRIVE AND CONTIGUOUS TO THE CITY LIMITS ON TWO SIDES; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ Sofia Nelson, Director of Planning

#### Attachments

13. (Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS ANNEXING 9 TRACTS OF LAND CONSISTING OF APPROXIMATELY 31.8 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED ALONG ANTON DRIVE AND BOTH NORTH AND SOUTH OF BEBEE ROAD, WEST OF SUNRISE DRIVE, AND EAST OF KENSINGTON BLVD. AND CONTIGUOUS TO THE CITY LIMITS: AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE: AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ Sofia Nelson, Director of Planning

#### 

14. (Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 19 TRACTS OF LAND CONSISTING OF APPROXIMATELY 70 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS

Page 4 of 9 NovusAGENDA

GENERALLY LOCATED SOUTH OF GOFORTH RD/BEBEE RD AND BOTH EAST AND WEST SIDES OF GOFORTH AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE: AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ Sofia Nelson, Director of Planning

#### Attachments

15. (Second Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 35.761 ACRES OF LAND FROM 'R-1-2' SINGLE FAMILY RESIDENTIAL-2 TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED OFF OF BUNTON LANE JUST EAST OF TWIN COVE, IN HAYS COUNTY, TEXAS. (BEAR RIVER LIMITED, LLP Z-13-012); 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

### Attachments

16. (Second Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.2479 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED AT 400 S. BURLESON STREET, IN HAYS COUNTY, TEXAS. (TY & MONICA DAVIDSON Z-13-011); 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

### Attachments

17. (Second Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.24 ACRES OF LAND FROM 'RS' RETAIL SERVICE TO 'R-1-T' RESIDENTIAL TOWNHOME, ON

**NovusAGENDA** Page 5 of 9

PROPERTY LOCATED AT 101 CREEKSIDE TRAIL, IN HAYS COUNTY, TEXAS. (FISERV ISS FBO GREGORY LAHR Z-13-014); 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

#### Attachments

18. (Second Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 1.741 ACRES OF LAND FROM 'R-1' RESIDENTIAL 1 DISTRICT TO 'RS' RETAIL SERVICES, ON PROPERTY LOCATED AT 705 AND 709 N. OLD HIGHWAY 81,IN HAYS COUNTY, TEXAS. AND REZONING APPROXIMATLY 1.12 ACRES OF LAND FROM 'R-1' RESIDENTIAL 1 FROM 'R-1' RESIDENTIAL 1 TO 'CC' COMMUNITY COMMERCIAL, ON PROPERTY LOCATED AT 711 N. OLD HIGHWAY 81, IN HAYS COUNTY, TEXAS; 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 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

#### Attachments

19. (Second Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.67 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-T' RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF PORTER AND COCKERHAM, IN HAYS COUNTY, TEXAS. (ALAN & SHARON LOWDEN Z-13-013); AUTHORIZING SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE: PROVIDING 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

### **Attachments**

NovusAGENDA Page 6 of 9

20. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HAYS CALDWELL PUBLIC UTILITY AGENCY APPROVING AMENDMENT NO. 1 TO THE REGIONAL WATER SUPPLY CONTRACT BETWEEN THE HAYS CALDWELL PUBLIC UTILITY AGENCY AND THE CANYON REGIONAL WATER AUTHORITY, THE CITY OF BUDA, THE CITY OF KYLE, AND THE CITY OF SAN MARCOS; AND DECLARING AN EFFECTIVE DATE ~ James Earp, Assistant City Manager

#### Attachments

- 21. Authorize the City Manager to accept a grant in the amount of \$7,000.00 from the Texas State Library and Archives Commission for the Kyle Public Library's Mobile Solutions Program. ~ Joshua Moreno, Grants Adminstrator
  - Attachments
- 22. Authorize the City Manager to accept a grant in the amount of \$37,621.00 from the Office of the Governor and authorize \$20,258.00 in required matching funds from the Police Department's approved operating budget for Fiscal Year 2013-14 to fund a full-time Victim's Coordinator position for a 5-month period from November 1, 2013 through March 30, 2014. ~ Joshua Moreno, Grants Administrator
  - Attachments
- 23. Authorize the renewal of a service contract with HACH COMPANY of Loveland. Colorado, in an amount not to exceed \$6,258.00 for the annual calibration and maintenance of the chlorine monitoring equipment at various city-owned water treatment facilities ~ Harper Wilder, Director of Public Works
  - Attachments
- 24. Ratification of authorization to increase funding by \$9,000.00 for the professional services agreement executed with NEPTUNE-WILKINSON ASSOCIATES, INC., of Austin, Texas, for a revised total of \$15,480.00 to perform engineering services associated with the 2013 Manhole Rehabilitation Program consisting of improvements to forty (40) existing manholes in the City's wastewater collection system. ~ Harper Wilder, Director of Public Works
  - Attachments
- 25. Consider authorizing the City Manager to execute an Interlocal Agreement with the Capital Area Emergency Communications District in order for the City to maintain its public safety answering points, upgrade 9-1-1 equipment, and to train police department personnel to participate in the next generation 9-1-1 Emergency Communications System in the District. ~ Jeff Barnett, Chief of Police

NovusAGENDA Page 7 of 9

#### Attachments

#### VIII. Consider and Possible Action

26. (First Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 40.267 ACRES OF LAND (OUT OF THE APPROXIMATELY 696 ACRE TRACT). LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE: AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ Sofia Nelson, Director of Planning

#### Attachments

27. RESOLUTION OF THE CITY OF KYLE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE GENERAL LAND OFFICE OF THE STATE OF TEXAS ALLOWING FOR AND SUPPORTING A PLAN FOR ANNEXATION, SALES TAX REVENUES, WATER AND WASTEWATER UTILITY MATTERS AND A DEVELOPMENT AGREEMENT: MAKING FINDINGS OF FACT: AND PROVIDING FOR RELATED MATTERS. ~ Sofia Nelson, Director of Planning

#### Attachments

28. (Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 2166.442 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED WEST OF N. OLD STAGECOACH ROAD, NORTH OF CYPRESS ROAD, AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE: AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ Sofia Nelson, Director of Planning

### Attachments

29. (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 BILLBOARDS CEVMS; REPEALING INTO ALLCONFLICTING

NovusAGENDA Page 8 of 9

ORDINANCES; REQUIRING A SIGN FACE EXCHANGE RATIO FOR DIGITAL DISPLAY SIGNS; PROVIDING OPERATIONAL REQUIREMENTS FOR DIGITAL DISPLAY SIGNS; REOUIRING AN ANNUAL REGISTRATION FEE; PROVIDING A PENALTY NOT TO EXCEED \$2,000; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. ~ Mario Perez, Building Official

- Attachments
- 30. Consideration and Possible Action as may be required in regards to the Joint Resolution of the City of Kyle, Texas and Hays County Emergency Services District No. 5 for the Allocation of Sales Tax Revenue. ~ Lanny Lambert. City Manager
  - Attachments
- 31. Authorize the Execution of Memo of Understanding for Magistrate Services by the City of Kyle for the Hays County Jail for Fiscal Year 2014 ~ Lanny Lambert, City Manager
  - Attachments

#### IX. 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 Engineer Search Proposed Timeline
  - 2. Discuss City Council Workshop to be held on Tuesday, Oct. 22, 2013 regarding Lone Star Rail/Public Transit and Plum Creek PID
  - Attachments

#### X. **Executive Session**

- 33. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.087, Deliberation regarding Economic Development Negotiations.
  - Attachments
- 34. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071, Consultation with City Attorney regarding ongoing litigation with Monarch Utilities
  - Attachments
- 35. Reconvene into Open Session to take action as deemed appropriate in the City

NovusAGENDA Page 9 of 9

Council's discretion regarding Economic Development Negotiations.

- Attachments
- 36. Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding ongoing litigation with Monarch Utilities.
  - 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.