

[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 8:15 PM on 11/6/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 1st day of November, 2013 prior to 7:00 p.m.

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### I. Call Meeting To Order

### II. Approval of Minutes

1. City Council Workshop - October 3, 2013 - 8:15 p.m. ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

2. City Council Special Called Meeting - October 8, 2013 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

3. City Council Regular Meeting - October 15, 2013 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

4. City Council Special Called Meeting - October 22, 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 October ~ *Lanny Lambert, City Manager*

- Kristin Hernandez, Administrative Assistant, Parks & Recreation

 [Attachments](#)

#### V. Proclamations

6. Proclamation of the City of Kyle, Texas Proclaiming November 11, 2013 as "Veteran's Day" in the City of Kyle, Texas ~ *David Wilson, Council Member District 4 & Chad Benninghoff, Council Member District 3*

 [Attachments](#)

7. Proclamation of the City of Kyle, Texas Proclaiming November 2013 as "National Hospice Month" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

#### VI. Appointments

8. Consideration of Nomination(s) for Appointment as Honorary/Non-Voting Member(s) of the Kyle Area Youth Advisory Council (KAYAC) to the City Council and the Planning & Zoning Commission ~ *Lucy Johnson, Mayor & Ray Bryant, Council Member District 6*

 [Attachments](#)

9. Consideration of Nomination(s) for Appointment to the Economic Development & Tourism Committee ~ *Lucy Johnson, Mayor*

- Carlos Laird, At Large 1
- Dustin Inderman, At Large 2
- Terry Taylor, Seat 4

 [Attachments](#)

#### VII. Consent Agenda

10. (*Second 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

WITH THE ABILITY TO CONVERT EXISTING COMMERCIAL BILLBOARDS INTO CEVMS; REPEALING ALL 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 PENALTY NOT TO EXCEED \$2,000; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. ~ *Mario Perez, Building Official*

 [Attachments](#)

11. *(Second Reading)* AN ORDINANCE TO AMEND THE CITY'S APPROVED BUDGET FOR FISCAL YEAR 2013-14 BY INCREASING TOTAL APPROPRIATIONS IN THE CITY'S GENERAL FUND FOR THE COMMUNICATIONS & COMMUNITY DEVELOPMENT DEPARTMENT BY \$12,960.00 AND DECREASING FUND BALANCE IN THE GENERAL FUND BY THE SAME AMOUNT TO PAY FOR THE CONTINUATION OF TRANSIT SERVICES BY CARTS WITHIN CITY OF KYLE THROUGH DECEMBER 31, 2013.~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

12. Consider authorizing the City Manager to sell by auction on GovDeals, an internet based auction marketplace, a 1995 Chevrolet Suburban bearing vehicle identification number 1GBGK26F0SJ312143 previously seized and titled to the City of Kyle for use by the Police Department. ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

13. Consider authorizing the City Manager to accept a 1988 GMC armored truck donated by the City of Mesquite, Texas, for use by the Kyle Police Department for law enforcement purposes. ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

14. A RESOLUTION OF THE CITY COUNCIL, OF KYLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$7,763.98 FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, BULLETPROOF VEST PARTNERSHIP (BVP), FOR THE FY2013 APPLICATION FUNDING PERIOD. ~ *Joshua Moreno, Grants Administrator*

 [Attachments](#)

15. Authorize award and execution of a Purchase Order to DIETZ TRACTOR COMPANY of Seguin, Texas, in an amount not to exceed \$15,465.00 for the

purchase of a Ferris IS5100Z 33/72 mower and associated equipment for the Parks and Recreation Department. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

16. Authorize award and execution of a Purchase Order to PYRO SHOWS OF TEXAS, INC., of Fort Worth, Texas, in an amount not to exceed \$15,000.00 to provide fireworks display for the 4th of July Independence Day Celebrations. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

17. Authorize award and execution of a Purchase Order to MAGAZINE SUBSCRIPTIONS PTP-AUSTIN of Austin, Texas, in an amount not to exceed \$2,541.00 for the annual magazine and newspaper subscriptions for the Kyle Public Library. ~ *Connie Brooks, Director of Kyle Public Library*

 [Attachments](#)

18. Authorize the City Manager to apply for a Pay-In-Full Corporate Credit Line with Amazon.Com to purchase books and other reading material by the Kyle Public Library. ~ *Connie Brooks, Director of Public Library*

 [Attachments](#)

19. Consider authorizing the City Manager to execute a Master Service agreement and Task Order #1 with M&S ENGINEERING, LLC, of Spring Branch, Texas, in an amount not to exceed \$10,000.00 to facilitate general engineering professional services and to provide specific engineering services related to negotiation of professional scopes and fees for North Burleson Street and Marketplace Avenue. ~ *James Earp, Assistant City Manager*

 [Attachments](#)

### **VIII. Consider and Possible Action**

20. A RESOLUTION OF THE CITY OF KYLE, TEXAS AUTHORIZING THE "HONOR AND REMEMBER" FLAG TO BE FLOWN AT CITY BUILDINGS ON CERTAIN DAYS OF THE YEAR IN REMEMBRANCE OF ALL MEMBERS OF THE UNITED STATES ARMED FORCES WHO HAVE LOST THEIR LIVES WHILE SERVING OR AS A RESULT OF SERVING. ~ *Lucy Johnson, Mayor*

 [Attachments](#)

21. Acceptance of a donation of real property approximately five (5) acres in size

located within the City of Kyle's Extra Territorial Jurisdiction (ETJ) on Goforth Rd. ~ *Lucy Johnson, Mayor & Kerry Urbanowicz, Director of Parks & Recreation*

 [Attachments](#)

22. *(First Reading)* Consider approving an Ordinance to amend the City's Approved Budget for Fiscal Year 2013-14 by increasing total appropriations in the General Fund for the City Council's budget by \$2,500.00 and decreasing fund balance in the General Fund by the same amount in order to pay for support costs associated with the Kyle Area Youth Advisory Council (KAYAC). ~ *Lucy Johnson, Mayor*

 [Attachments](#)

23. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 2.378 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'W' WAREHOUSE DISTRICT, ON PROPERTY LOCATED AT 1108-C PORTER STREET, IN HAYS COUNTY, TEXAS (BLAKE & RAMONA BROWN Z-13-017); 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 7-0 to table item until the next P&Z meeting.*

- Public Hearing

 [Attachments](#)

24. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 4.426 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'W' WAREHOUSE DISTRICT, ON PROPERTY LOCATED AT 1108 PORTER STREET, IN HAYS COUNTY, TEXAS (DALE & LANETTE LOWDEN Z-13-016); 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 7-0 to table item until the next P&Z meeting.*

- Public Hearing

 [Attachments](#)

25. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.075 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'CBD-2' CENTRAL BUSINESS DISTRICT, ON PROPERTY LOCATED AT 108 S. BURLESON STREET, IN HAYS COUNTY, TEXAS (KYLE VOLUNTEER FIRE DEPARTMENT) (ESD #5 – KYLE FIRE DEPARTMENT Z-13-018); 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 7-0 to approve the rezone request*

- Public Hearing

 [Attachments](#)

26. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 0.485 ACRES OF LAND FROM 'AG' AGRICULTURE TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 1101 E. FM 150, IN HAYS COUNTY, TEXAS. (RUBEN & RACHEL GUERRERO Z-13-015); 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 7-0 to approve original zoning of (CC) Community Commercial.*

- Public Hearing

 [Attachments](#)

27. Consider waiving all zoning change application fees for properties designated on the official zoning map as R-1, HI, C1 and C2, in which the property owner is seeking a zoning change from R-1 to a single family zoning designation or from HI, C1, or C2 to another non-residential zoning classification.~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

28. 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. ~ *Cody Faulk, City Attorney & Lanny Lambert, City Manager*

 [Attachments](#)

29. A RESOLUTION OF THE CITY OF KYLE, TEXAS, CASTING AND DEFINING JURISDICTIONAL VOTES BY THE CITY FOR THE OFFICIAL BALLOT FOR ELECTION OF THE 2014-2015 HAYS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS ~ *Lanny Lambert, City Manager*

 [Attachments](#)

30. Consideration and possible action on a 12-month contract for Tourism Services from October 1, 2013 and ending September 30, 2014 with the Kyle Area Chamber of Commerce in an amount not to exceed \$115,000.00 and recommendations by the Economic Development and Tourism Committee. ~ *Diane Hervol, Council Member District 1*

 [Attachments](#)

31. Authorize selection of contractors and expenditure of funds totaling \$12,233.30 for the installation of traffic barricades and emergency repairs to Windy Hill Road due to flood damage; \$9,560.80 for Lone Star Paving Company and \$2,672.50 for Flasher Equipment Company. ~ *James Earp, Assistant 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 Special Called Meeting on Nov. 7, 2013 at 7:00 p.m. for Municipal Court Judge Interviews
2. Discuss calendar for City Attorney position
3. Provide an update on recent storm

 [Attachments](#)

## **X. Executive Session**

33. 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](#)

34. 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](#)

## **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.