

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 12/17/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 12th day of December, 2013 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Special Called Meeting - November 26, 2013 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

2. City Council Regular Meeting - December 3, 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. Appointments

3. Consideration of Nomination(s) for Appointment to the Long Range Planning Committee ~ *Lucy Johnson, Mayor*

- Kenneth Christie

 [Attachments](#)

4. Consideration of Nomination(s) for Appointment to the Ethics Commission ~
Lucy Johnson, Mayor

- Robby Saul

 [Attachments](#)

V. Consent Agenda

5. Authorize award and execution of a Purchase Order to LOWER COLORADO RIVER AUTHORITY (LCRA) in an amount not to exceed \$218,463.84 to replace and install new software, hardware, and associated equipment including dispatch station consoles, handheld radios, batteries, and chargers in order to upgrade the Police Department's entire radio system to OpenSky 900 MHz Digital system. (Funding to be provided from the issuance of planned 2014 Tax Notes) ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

6. Consider authorizing the City Manager to execute a 12-month professional services agreement with CATALYST COMMERCIAL, INC., of Dallas, Texas, in an amount not to exceed \$18,000.00 to provide services related to developing commercial retail growth and recruitment strategies in the City of Kyle for the period October 1, 2013 through September 30, 2014. ~ *Diana Blank-Torres, Director of Economic Development*

 [Attachments](#)

VI. Consider and Possible Action

7. (*First 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 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](#)

8. (*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](#)

9. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY .89 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED APPROXIMATELY 200 FEET EAST OF THE E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE) INTERSECTION; 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. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 45.716 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF HEINDENRICH LANE AND WEST OF STATE HIGHWAY 21; 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. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 98.930 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND ADJACENT TO CR 202; 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. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 12.254 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. RR 150 AND STATE HIGHWAY 21; 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. (*First 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 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](#)

14. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 5.626 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, EAST OF DACY LANE AND WEST OF GOFORTH ROAD 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. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH MERLIN FRISENHAHN, ON BEHALF OF ELGIN GROCERY AND PARK PLACE FOOD, FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 12.07 ACRES OF LAND IN HAYS COUNTY, TEXAS GENERALLY LOCATED NORTH OF BEBEE ROAD, EAST OF DACY LANE AND WEST OF GOFORTH ROAD ; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE AND FOR THE PURPOSE OF ESTABLISHING A SCHEDULE AND FOR THE PURPOSE OF ESTABLISHING A SCHEDULE FOR ANNEXATION OF THE PROPERTY; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

16. (*First 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*

 [Attachments](#)

17. *(First 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](#)

18. *(First 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](#)

19. Consider a Development Agreement between the City of Kyle and the owners of Mi Rancho, located on Windy Hill Road, regarding a request of delay of annexation ~ *Lanny Lambert, City Manager*

 [Attachments](#)

20. *(First 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](#)

21. Consider a request by Bernice Valdez for a waiver of site development fees for a site development application that would allow the placement of a 560 square foot building located at 206 E. Moore Street. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

22. Consider a request by Plum Creek Development Partners, Ltd. for an amendment to Section 7.04 - Street Lighting of the approved development agreement between City of Kyle, Plum Creek Development Partners, Ltd. and William Negley, Trustee. ~ *Sofia Nelson, Director of Planning and Harper Wilder, Director of Public Works*

 [Attachments](#)

23. Receive and consider possible action on staff briefing as requested by City Council regarding City's role and responsibilities associated with the creation of Public Improvement Districts (PIDs) and the issuance of PID bonds. ~ *Perwez A. Moheet, CPA, Director of Finance and Sofia Nelson, Director of Planning*

 [Attachments](#)

24. Consider and possible action regarding approving an Interlocal Agreement between the City of Kyle and CAPITAL METROPOLITAN TRANSIT AUTHORITY for the purpose of providing para-transit services in the Kyle City limits from January 1, 2014 through September 30, 2014 and to apply Section 5307 funds to match the City's 50 percent share of total costs in an amount not to exceed \$31,920.00 for the fiscal year ending September 30, 2014. The total cost for the 9-month para-transit services is \$63,840.00. **Related to Agenda Item No. 25** ~ *Jerry Hendrix, Chief of Staff*

 [Attachments](#)

25. *(First Reading)* Approve 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 \$31,920.00 and decreasing fund balance in the General Fund by the same amount to pay for the continuation of transit services by CAPITAL METROPOLITAN TRANSIT AUTHORITY within City of Kyle from January 1, 2014 through September 30, 2014. **Related to Agenda Item No. 24** ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

26. A RESOLUTION OF THE CITY OF KYLE, TEXAS, RESPONDING TO THE REQUEST BY MONARCH UTILITIES I, L. P. TO INCREASE WATER

RATES ON A SYSTEMWIDE BASIS BY 14.86 PERCENT WHILE SEEKING APPROVAL OF A COST OF SERVICE THAT WOULD ALLOW FOR AN INCREASE IN RATES OF 43.51% IN THE NEAR FUTURE; AUTHORIZING THE SUSPENSION OF RATES FOR NINETY DAYS FROM THE PROPOSED EFFECTIVE DATE OR UNTIL SUCH TIME AS THE COUNCIL ADOPTS A FINAL DECISION, WHICHEVER IS EARLIER; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE. ~ *Jerry Hendrix, Chief of Staff*

 [Attachments](#)

27. Discussion and Adoption of City Council Meetings Master Calendar for 2014 ~ *Lanny Lambert, City Manager*

 [Attachments](#)

28. Consider and Possible Action regarding the creation of a Lifetime Achievement Award to recognize individuals who have made significant contributions toward the betterment of the quality of life for Kyle residents over a sustained period of time ~ *Jerry Hendrix, Chief of Staff*

 [Attachments](#)

VII. General Discussion and Possible Action

29. General Discussion and Possible Action to Consider Amendments to the City of Kyle Ethics Ordinance including conducting business before City Council, after leaving office ~ *Lanny Lambert, City Manager*

 [Attachments](#)

30. General Discussion and Possible Action on Purchasing Policy for Budgeted Items. ~ *Lanny Lambert, City Manager*

 [Attachments](#)

VIII. Council Requested Agenda Items

31. Discuss and possible action for obtaining a management consultant to be used for reviewing City Council authority and management processes to be utilized for all three management positions who answer to the City Council. ~ *Chad Benninghoff, Council Member District 3*

 [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 Attorney Search Timeline
2. Discuss implementation of a Social Media Policy for the City of Kyle

 [Attachments](#)

X. Executive Session

33. Convene into Executive Session pursuant to Section 551.074, Tex. Gov't Code, for purposes of discussing personnel matters concerning the appointment of the Municipal Judge position.

 [Attachments](#)

34. Convene into Executive Session pursuant to Section 551.087, Tex. Gov't Code, to deliberate offers of financial or other incentives and economic development negotiations with business prospects that the City seeks to have locate, stay or expand in or near the City

 [Attachments](#)

35. Reconvene into Open Session to take any and all actions as deemed appropriate in the City Council's discretion regarding personnel matters concerning the appointment of the Municipal Judge position.

 [Attachments](#)

36. Reconvene into Open Session to take any and all actions as deemed appropriate regarding offers of financial or other incentives and economic development negotiations with business prospects that the city seeks to have locate, stay or expand in or near the City

 [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.