

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session at Kyle City Hall on October 6, 2020 and due to COVID-19, some members attended virtually (v) at Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live> with the following persons present:

Mayor Travis Mitchell (v)  
Mayor Pro Tem Rick Koch (v)  
Council Member Dex Ellison (v)  
Council Member Tracy Scheel  
Council Member Robert Rizo (v)  
Council Member Michael Tobias (v)  
Scott Sellers, City Manager  
James Earp, Assistant City Manager (v)  
Paige Saenz, City Attorney (v)  
Roxy Stevens, Assistant City Attorney (v)  
Jerry Hendrix, Chief of Staff (v)  
Samantha Armbruster, Communications Dir.  
Jennifer Holm, City Secretary  
Leon Barba, City Engineer (v)  
Diana Torres, Economic Dev Director (v)  
Sandra Duran, HR Director (v)  
Perwez Moheet, Finance Director (v)  
Matt Dawson, IT Director  
Howard Koontz, Community Dev Director (v)  
Jeff Barnett, Chief of Police (v)

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 5:35 p.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Council Member Ellison, Council Member Scheel, Council Member Rizo, and Council Member Tobias. A quorum was present.

Mayor Pro Tem Koch and Council Member Villalobos were absent. Mayor Pro Tem Koch arrived at 5:36 p.m.

### **II. Citizen Comment Period with City Council**

1. Members of the public that wish to provide citizen comment have the following options:
  1. In-Person at Kyle City Hall
  2. Virtual Attendance - Submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

Mayor Mitchell opened citizen comments at 5:36 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 5:36 p.m.

### III. Executive Session

2. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.
  1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
    - Cause Number 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas
    - Changeable Electronic Variable Message Sign
    - Bunton Lane Development Agreement & PIDs
    - Development Standards
    - Lila Knight, Timothy A. Kay, Helen Brown-Kay, and Save Our Springs v. City of Kyle, Texas
    - Cause Number 5:20-cv-01128-FB-RBF; John David Ferrara v. Terry Jay Wallace, Jeffrey Barnett, and Edward Sandoval in the United States District Court for the Western District of Texas, San Antonio Division 104 S. Burleson and Design Build Agreement Prairie Lakes.
  2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  3. Personnel matters pursuant to Section 551.074.
  4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
    - Project Wild Blue
    - Project Indigo
    - Project Wild Strawberry
    - 104 S. Burleson and Design Build Agreement

Council Member Scheel read into the record, "Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Cause Number 19-1492, 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas, pending in the 22nd Judicial District Court of Hays County, Texas; Changeable Electronic Variable Message Sign; Bunton Lane Development Agreement & PIDs; Development Standards; Lila Knight, Timothy A. Kay, Helen Brown-Kay, and Save Our Springs v. City of Kyle, Texas; Cause Number 5:20-cv-01128-FB-RBF, John David Ferrara v. Terry Jay Wallace, Jeffrey Barnett, and Edward Sandoval in the United States District Court for the Western District of Texas, San Antonio Division; 104 S. Burleson and Design Build Agreement; Prairie Lakes; and Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business

prospects that the City seeks to have locate, stay, or expand in or near the City - Project Wild Blue, Project Indigo, Project Wild Strawberry, 104 S. Burlson and Design Build Agreement.”

The City Council convened into executive session at 5:38 p.m.

3. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0.

The City Council reconvened into open session at 7:05 p.m. Mayor Mitchell announced that no action took place in Executive Session, but action would be taken now.

**IV. Consider and Possible Action**

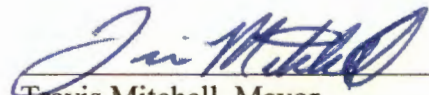
4. Approve an Engagement letter for legal services with Russell Rodriguez Hyde Bullock, LLP. ~ Paige Saenz, City Attorney

Council Member Scheel moved to approve an Engagement letter for legal services with Russell Rodriguez Hyde Bullock, LLP. Mayor Mitchell seconded the motion. All votes aye; motion carried 6-0.

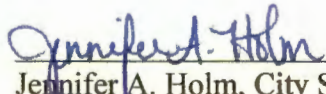
**V. Adjourn**

Council Member Scheel moved to adjourn. Council Member Tobias seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 7:07 p.m.

  
Travis Mitchell, Mayor

Attest:

  
Jennifer A. Holm, City Secretary