

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on October 19, 2021 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Amanda Stark
Mayor Pro Tem Rick Koch*	Anne Duhon
Council Member Dex Ellison	Meghan Murphy
Council Member Yvonne Flores-Cale	Casey Sclar
Council Member Robert Rizo	Robert Rivera
Council Member Ashlee Bradshaw	Hunter Floyd
Council Member Michael Tobias	Feras Abuhweij
Scott Sellers, City Manager	Travis Sawvell
James Earp, Assistant City Manager	
Jerry Hendrix, Assistant City Manager	
Paige Saenz, City Attorney	
Samantha Armbruster, Communications Dir.	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Victoria Vargas, Economic Dev Specialist	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Matt Dawson, IT Director	
Paul Phelan, Library Director	
Mariana Espinoza, Parks & Recreation Director	
Stacy Anderson, Parks Maint. Equip. Op.	
Will Atkinson, City Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Harper Wilder, Director of Public Works	
Tim Samford, Div. Mgr. – Treatment Ops.	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:06 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Flores-Cale, Council Member Rizo, Council Member Bradshaw, and Council Member Tobias. A quorum was present.

II. Approval of Minutes

1. City Council Special Meeting Minutes - October 4, 2021. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - October 4, 2021. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

*One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall. Council Members attending virtually are designated by (v).

Council Member Tobias moved to approve the minutes of the October 4, 2021 Special Council Meeting and the minutes of the October 4, 2021 Council Meeting. Council Member Rizo seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:07 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:08 p.m.

IV. Appointments

3. Consideration of the reappointment of Anne Duhon to Seat 7 of the Park and Recreation Board for a two-year term to expire September 30, 2023. ~ *Mariana Espinoza, Director of Parks & Recreation*

Mayor Mitchell brought forward Item No. 3 for discussion. Ms. Espinoza presented the appointment process information. Ms. Amanda Stark, Chair of the Parks and Recreation Board mentioned her recommendation for this reappointment. Ms. Anne Duhon provided information to council.

Council Member Ellison moved to approve the reappointment of Anne Duhon to Seat 7 of the Parks and Recreation Board. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

V. City Manager's Report

4. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*
 - Center Street Trick or Treat event
 - Veterans Day Parade
 - Rescheduled City Council meeting Nov 1
 - Election Info
 - Team Kyle News

Mayor Mitchell brought forward the City Manager's Report.

Ms. Espinoza spoke about the Center Street Trick or Treat event and the Veterans Day Parade. Mr. Sellers reminded Council that the next City Council meeting was rescheduled to November 1. Ms. Holm provided election information. Ms. Duran presented Team Kyle News. Chief Barnett announced recent promotions and recognition for two lifesaving awards, one for Officer Narvaiz and one for Officer Owens, and certificates of merit for Sergeant Akers; Officer Guzman; Officer Flores; Officer Flemming; Officer Carnes; Officer Spencer; Officer Bean; Jenna Hix; Samantha Lucas; Sergeant Shuler; Officer Narvaiz; Officer Cleary; Officer Cardona; Officer Plant; Officer Leathers. For the freeze event in 2021, Certificates of Merit were provided to: Telecommunications Operator (TCO) Bronson Armijo, TCO Tonya Domingo, TCO Maddison Droblyn, TCO Kellie Hartley, TCO Zachary Koth, TCO Laura Lee, TCO Lizabette Pamplona, TCO Harley West, TCO Jennifer Wood, TCO Lead April Machado, Emergency Communications Supervisor Ashley Ferris, Emergency Communications Manager Krissi Milliken, and additionally Lieutenant Griffith,

Sergeant Shuler, Officer Bazaldua, Officer Leathers, Officer Mitchell, Officer Cleary, Officer Narvaiz, Sergeant Akers, Officer Guzman, Officer Flores, Officer Bean, Officer Dickens, Officer Flemming, Officer Carnes, Sergeant Luria, Officer Rainwater, Officer Spencer, Officer Bruxvoort, Sergeant Jones, Officer Bryant, Officer Michaelson, Officer Seagrave, Officer Lovelace, Officer Call, Sergeant Vrana, Officer Garcia, Officer Waller, Officer Clark, Officer Preston, Officer Dibble, Officer Sosa, Sergeant Gooding, Cpt Hernandez, Chief Barnett. No action was taken.

VI. Presentation

5. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward the CIP/Road Projects and Consent Agenda Presentation. Mr. Barba presented the item. Mr. Barba mentioned that the dollar amount for Item No. 7 should be amended to \$118,567. No action was taken.

VII. Consent Agenda

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. Council Member Flores-Cale requested to pull Item Nos. 6 and 8, and 10. Council Member Ellison pulled Items 13-16. Mayor Mitchell brought forward Item Nos. 7, 9, 11, and 12. Council Member Flores-Cale stated that it should be 7, 9, 10, 11, and 12.

7. Approve Task Order No. 7 to LJA ENGINEERING, INC., Austin, Texas, in the amount not exceed \$123,697.00 for the Schlemmer St./Porter St Wastewater Phase 2 Project. ~ *Leon Barba, P.E., City Engineer*
9. Authorize award and execution of a Purchase Order to NAPCO CHEMICAL COMPANY, Spring, TX in an amount not to exceed \$93,247.75 which includes a fifteen (15) percent contingency for the delivery of sodium hypochlorite and sodium bisulfite to the City of Kyle wastewater treatment plant for the Public Works Department. ~ *Harper Wilder, Director of Public Works*
10. Authorize the City Manager to execute a 60-month lease with BIZDOC, INC., San Antonio, Texas, for a Kyocera Model 5053ci photocopier for the Kyle Public Library, in an amount not to exceed \$126.73 per month, plus a per copy charge. ~ *Paul Phelan, Director of Library*
11. Approve the purchase of furniture, fixtures, and equipment for the Kyle Public Safety Center, payable to SOUTHWEST SOLUTIONS, Round Rock, Texas, in an amount not to exceed \$805,880.00. ~ *Bob Farmer, AG|CM*
12. Consider approval of an Interlocal Funding Agreement for Testing of Seized Drug Evidence with Hays County. ~ *Jeff Barnett, Chief of Police*

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 7, 9, 10, 11, and 12. Council Member Tobias seconded the motion.

There was discussion on the motion Council Member Rizo amended the motion for Item No. 7 to authorize an amount not to exceed \$118,567. Mayor Mitchell seconded the motion. On the motion to amend, all votes aye; motion carried 7-0.

On the original motion, all votes aye; motion carried 7-0.

6. *(First Reading)* Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2021-2022 by reallocating \$215,000.00 from the \$1,100,000.00 approved for the LGC Property Acquisition/Downtown Revitalization Program capital improvement project (CIP #19) and appropriating \$215,000.00 for the new Downtown Master Plan & Citywide Design Standards capital improvements project expenditures. This budget amendment was requested by City Council on September 7, 2021. ~ *Perwez A. Moheet, CPA, Director of Finance*

Mayor Mitchell brought forward Item No. 6 for discussion and gave the floor to Council Member Flores-Cale who pulled the item. Mr. Moheet and Mr. Sellers presented the item.

Council Member Flores-Cale moved to approve Consent Agenda Item No. 6. Council Member Rizo seconded the motion. Motion carried 6-1 with Council Member Ellison dissenting.

8. Approve Change Order # 7 to M.A. SMITH CONTRACTING CO., INC., Austin, Texas, in an amount for \$6,304.92, increasing the total contract amount to not exceed \$2,615,746.57 for electrical and drainage improvements on Windy Hill Street. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 8 for discussion and gave the floor to Council Member Flores-Cale who pulled the item. Mr. Barba presented the item.

Council Member Rizo moved to approve Consent Agenda Item No. 8. Mayor Mitchell seconded the motion.

There was discussion on the motion. Council Member Ellison stated that he gathered from Mr. Barba's presentation that the City did what PEC said to put in there, the City relayed that to the contractor and later PEC changed what that requirement was, and asked for confirmation that this is the situation. Mr. Barba stated that it was not PEC that told the City, but a subcontractor that was doing the wiring for the City. Council Member Ellison said that what he is getting at is that someone told the City this was required, and eventually changed what was required. Mr. Barba stated that PEC eventually told the City that the boxes were not needed, but the subcontractor said they were necessary. He continued that the project manager went to see what was installed and found that the installation was in compliance with the plans, and payment had not been made for that. Council Member Ellison asked who stated they needed to be changed. Mr. Barba stated it was the subcontractor. Council Member Ellison stated that this is a disagreement between the subcontractor and PEC. Mr. Barba affirmed. He continued that the impression he got from the project manager is that these boxes will be used in the future for traffic signals and traffic lights along with the conduit. Council Member Ellison asked whether there is something the City can learn from this for the future to prevent this happening. He stated everyone hates change orders, although he is happy with the result of the project. Mr. Barba stated that there is no perfect process and there will always be change orders. He stated that you just hope that the change orders won't be significant enough to cause a project to go way over budget. He continued that the goal for the project managers is zero, but they do want to have some contingency in case things pop up. He stated once you open up the ground, there are surprises there. He stated that this particular project was funded by a grant from GLO, was put together very quickly, and the consultant did a great job

of getting out there with the mistakes made in the plan, which was modified as best as the City could. Mr. Barba continued that this project is finished in less than two years, and was cut back quite a bit. He stated that the City had wanted five lanes in this section, but with the acquisition of real estate and right-of-way it was not going to happen, so they cut it back to three lanes with the drainage module they had. He stated this was a tough project, hats off to engineers and project manager for completing it within the time we were given. Mr. Barba stated that City staff argued with GLO staff about the surprises that were surely to arise, and they said it doesn't matter, this is all the time you've got. Council Member Rizo stated that he is glad to be moving forward on this. He stated the Council has been forward thinking, so having the boxes installed for future traffic lights is win for the City so it doesn't have to go back and dig up a perfectly good roadway and drainage to install in the future. He is glad to have done this now rather than later.

All votes aye; motion carried 7-0.

13. Authorize the Police Department to Purchase the Pace Scheduler Software Subscription from Pace Scheduler in an amount not to exceed \$6,400. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 13 for discussion and gave the floor to Council Member Ellison who pulled the item. Council Member Ellison stated that it would be a similar question for all of these items. Chief Barnett presented the item.

Council Member Ellison moved to approve Consent Agenda Item No. 13. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

14. Authorize the Police Department to Purchase the Shield Suite and Command Center Software from International Business Information Technologies, Inc. d.b.a. LEFTA Systems in an amount not to exceed \$8,200. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 14 for discussion and gave the floor to Council Member Ellison who pulled the item. Chief Barnett presented the item.

Council Member Ellison moved to approve Consent Agenda Item No. 14. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

15. Authorize the Police Department to execute the License Agreement and Purchase Order from Veritone for Redaction Software in an amount not to exceed \$9,500. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 15 for discussion and gave the floor to Council Member Ellison who pulled the item. Chief Barnett presented the item.

Council Member Ellison moved to approve Consent Agenda Item No. 15. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 5-0. Mayor Pro Tem Koch and Council Member Rizo was absent for the vote.

16. Authorize the Police Department to Purchase Additional System Modules Entitled Payments, Invoicing, and Inter-Agency Communications from GovQA in an amount not to exceed \$10,000. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 16 for discussion and gave the floor to Council Member Ellison who pulled the item. Chief Barnett presented the item.

Council Member Ellison moved to approve Consent Agenda Item No. 16. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

VIII. Consider and Possible Action

26. Discussion and Possible Action regarding the possibility of creating a community garden.
~ *Yvonne Flores-Cale, Council Member*

Council Member Rizo requested to bring forward Agenda Item No. 26 out of order, before Item No. 17. With no objections, Mayor Mitchell brought forward Item No. 26 for discussion and gave the floor to Council Member Flores-Cale. Council Member Flores-Cale invited Meghan Murphy to provide information about her background and interest in the community garden. Ms. Espinoza provided information about discussions with Hays County Food Bank to create community gardens. No action was taken.

17. *(First and Final Reading)* An Ordinance of the City of Kyle Making a Finding of Special Benefit to the Property in the 6 Creeks Public Improvement District; Providing for the Method of Assessment of Special Assessments Against Property in Improvement Area #3 of the District; Approving an Assessment Roll for Improvement Area #3 of the District; Levying Assessments Against Property within Improvement Area #3 of the District; Providing for Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Establishing a Lien on Property within Improvement Area #3 of the District; Approving a Service and Assessment Plan; Providing for Related Matters in Accordance with Chapter 372, Texas Local Government Code; Providing an Effective Date; and Providing for Severability. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

- Public Hearing

Mayor Mitchell brought forward Item No. 17 for discussion. Mr. Casey Sclar with P3Works presented the item.

Mayor Mitchell opened the public hearing at 8:12 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:12 p.m.

The presentation continued.

Council Member Rizo moved to approve an Ordinance of the City of Kyle Making a Finding of Special Benefit to the Property in the 6 Creeks Public Improvement District; Providing for the Method of Assessment of Special Assessments Against Property in Improvement Area #3 of the District; Approving an Assessment Roll for Improvement Area #3 of the District; Levying Assessments Against Property within Improvement Area #3 of the District; Providing for Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Establishing a Lien on Property within Improvement Area #3 of the District; Approving a Service and Assessment Plan; Providing for Related Matters in Accordance with Chapter 372, Texas Local Government

Code; Providing an Effective Date; and Providing for Severability. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

18. *(First and Final Reading)* An Ordinance Authorizing the Issuance of the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2021 (6 Creeks Public Improvement District Improvement Area #3 Project); Approving and Authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement, and Other Agreements and Documents in Connection Therewith; Making Findings with Respect to the Issuance of such Bonds; Providing an Effective Date. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

- Public Hearing

Mayor Mitchell brought forward Item No. 18 for discussion. Mr. Casey Sclar introduced Robert Rivera with FMS Bonds who presented the item.

Mayor Mitchell opened the public hearing at 8:17 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:17 p.m.

Council Member Rizo moved to approve an Ordinance Authorizing the Issuance of the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2021 (6 Creeks Public Improvement District Improvement Area #3 Project); Approving and Authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement, and Other Agreements and Documents in Connection Therewith; Making Findings with Respect to the Issuance of such Bonds; Providing an Effective Date. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

19. *(First Reading)* An ordinance of the City of Kyle, Texas annexing 2.548 of land, more or less, located at 4750 Dacy Lane, Hays County, including the abutting streets, roadways, and rights-of-way into the corporate limits of the City, at the request of the property owner; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (ANNX-21-0011) ~ *Will Atkinson, City Planner*

- Public Hearing

Mayor Mitchell brought forward Item No. 19 for discussion. Mr. Atkinson presented the item.

Mayor Mitchell opened the public hearing at 8:19 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:19 p.m.

The presentation continued. Mr. Sellers and Ms. Saenz provided information on the item.

Council Member Rizo moved to approve an Ordinance of the City of Kyle, Texas annexing 2.548 of land, more or less, located at 4750 Dacy Lane, Hays County, including the abutting streets, roadways, and rights-of-way into the corporate limits of the City, at the request of the property owner; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

Council Member Ellison seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting. Mayor Pro Tem Koch was absent for the vote.

20. Consider a request for a comprehensive plan amendment to add Warehouse 'W' and Construction Manufacturing 'CM' Zoning Districts to the 'Regional Node' Land Use District in the Comprehensive Plan, in the City of Kyle, Texas. (Caraway Cattle Co. Family Partnership – Z-21-0087) ~ *Will Atkinson, City Planner*

Planning and Zoning Commission voted 6-0 to recommend approval.

- Public Hearing

Mayor Mitchell brought forward Item No. 20 for discussion. Mr. Atkinson presented the item.

Mayor Mitchell opened the public hearing at 8:24 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:24 p.m.

The presentation continued.

Council Member Ellison moved to deny a request for a comprehensive plan amendment to add Warehouse 'W' and Construction Manufacturing 'CM' Zoning Districts to the 'Regional Node' Land Use District in the Comprehensive Plan, in the City of Kyle, Texas. Council Member Flores-Cale seconded the motion.

Mayor Mitchell requested a roll call vote. Mayor Pro Tem Koch was absent for the vote; Council Member Ellison voted aye; Council Member Bradshaw voted aye; Mayor Mitchell voted aye; Council Member Flores-Cale voted nay; Council Member Rizo voted nay; and Council Member Tobias voted aye. Motion carried 4-2.

21. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 318 total acres (PUD Zoning - 256 acres to Single Family Attached 'R-1-A') (43.92 to Apartments Residential-3 'R-3-3') (18.38 acres to Retail Service District 'RS') for property located at 700 Bunton Lane and 800 Bunton Lane, in Hays County, Texas. (RPC Kyle, LLC and Kyle 120 LLC - Z-21-0088) ~ *William Atkinson, City Planner*

P&Z voted 6-0 to recommend approval of the request.

Mayor Mitchell brought forward Item No. 21 for discussion. Mr. Atkinson presented the item.

Mr. Hunter Floyd, the applicant, provided information to Council.

Mr. Sellers stated that an amendment would be required in Section 4A of the ordinance and provided an explanation. Ms. Saenz provided the language, "The City shall apply the construction cost of the Arterial as a credit toward the ALM Fee due by the Developer - and this is the new language - only if a PID is not approved for the Property and the Arterial is not authorized as an improvement to be funded by the PID."

Mayor Mitchell moved to approve Item No. 21 and to amend the document to increase the minimum allocation on townhomes/patio homes to 5% and incorporate the ALM PID language about Grist Mill that the city attorney outlined. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 6-0. Mayor Pro Tem Koch was absent for the vote.

22. Consider and possible action on a First Year on Us Incentive Application. ~ *Victoria Vargas, Economic Development Specialist*

- Feras Abuhweij, Conoco at 1203 N. Old Hwy 81- Landowner/Landlord application, rebate not to exceed \$5,000.

Mayor Mitchell brought forward Item No. 22 for discussion. Ms. Torres introduced Ms. Vargas who presented the item.

Mayor Mitchell moved to waive requirement that the application for the incentive be approved prior to construction for this particular applicant for this year. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Rizo stated his thanks for bringing forward this improvement. Council Member Tobias stated that he is curious to know what it will look like and that was one of the first places he used to get gas from on his way home. He is excited to see that area beautified. He asked the applicant what ideas they have for that. The applicant, Feras Abuhweij, spoke about drawings in the packet, the extensive remodel beginning with the exterior to be followed next year with remodel of the interior. He mentioned that the building is pretty old. Mayor Mitchell mentioned the lack of drainage and asked if there are plans to improve the drainage. Mr. Abuhweij stated that they intend to improve the parking area and will be asking TxDOT's approval to pave the sinkhole at the entrance of the property. He stated that they've contacted TxDOT several times, and they come fill up the hole but after a short amount of time it just returns to that condition. Mayor Mitchell stated that it sounds like a discussion for City staff to become involved in. Mr. Sellers stated that there is an engineering plan approved at the last council meeting provide typical design standards for the frontage road from Marketplace to Martinez Loop, which encompasses this property, so those standards will need to be applied for this project. Council Member Flores-Cale stated that through her research on the First Year on Us program and this particular property, that this program was made for this area. She is excited. She asked whether he is applying as landlord and tenant. Mr. Abuhweij stated he is only the landlord as of now and the next tenant may apply in the future. Council Member Flores-Cale stated that she thanks Mayor Mitchell for bringing it forward without delay. Council Member Ellison spoke about the First Year on Us program, its origination from then-Council Member Mitchell, and asked where Mr. Abuhweij heard about the program. Mr. Abuhweij stated that he had gone through a similar remodel with City of San Marcos, and he knew there were programs in Kyle so he reached out to the Economic Development Department. Council Member Ellison stated that he was excited when he saw the agenda item. He thanked Mr. Abuhweij for being a smart business owner and seeking out the opportunity. Council Member Tobias asked whether Mr. Abuhweij plans to give the location a new name. Mr. Abuhweij spoke about the electronic LED price sign and stated that he doesn't anticipate giving a new name, it will stay Kyle Foodmart. Council Member Rizo stated he didn't realize the drawing was down that low, that in the backup material it looks like blank pages, but is a great drawing. He stated that Foodmart really sticks out on it and he is looking forward to seeing it come

to fruition. Mayor Mitchell asked whether Council would like to return this to the ED&T Board or move it forward. Council Member Ellison stated that he is in favor of moving this forward, but he agrees that the ED&T Board's input is wanted on these items. Mayor Mitchell stated that the ED&T Board couldn't meet the quorum, and it wasn't because they didn't try to make a recommendation for this. He stated the board cannot really complain to him if they didn't make quorum. Mayor Mitchell rescinded his motion. Council Member Rizo seconded rescinding the motion.

Mayor Mitchell moved to approve a First Year on Us Incentive Application for Conoco at 1203 N. Old Hwy 81, rebate not to exceed \$5,000. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0. Mayor Pro Tem Koch was absent for the vote.

23. Consider approving an Interlocal Agreement (ILA) between the City of Kyle and Hays County for the City's funding obligations of each entity for the Center Street Union Pacific Rail Siding Project. The City's total funding obligation shall not exceed \$1,230,000.00 under this ILA. ~ *Paula Gruber, HNTB*

Mayor Mitchell brought forward Item No. 23 for discussion. Mr. Sellers stated that the item has been requested to be postponed to November 1, 2021 Council Meeting. No action was taken.

24. Approve an agreement with K FRIESE & ASSOCIATES, Austin, Texas, a civil engineering consulting firm, to provide project management services for the design and construction of specific road projects throughout the City to be funded under the 2022 Road Bond Program. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 24 for discussion. Mr. Barba presented the item. Mr. Sellers also provided information. He asked Council to consider adding the 150 extension to the list of projects to be designed. He also some of the scope has changed in the Brick and Mortar District area.

Mayor Mitchell moved to approve an agreement with K Friese & Associates, Austin, Texas, a civil engineering consulting firm, to provide project management services for the design and construction of specific road projects throughout the City to be funded under the 2022 Road Bond Program, and amend the contract to add the name listed with the Secretary of State's records and to add the 150 extension road as discussed under the project scope. Council Member Flores-Cale seconded the motion.

There was discussion on the motion. Council Member Tobias asked where the 150 underlined in Section A General Obligation Bond under scope of work. Mr. Barba stated that it should be under Exhibit A. Mr. Sellers stated that staff is still working on the funding source for that roadway.

All votes aye; motion carried 5-0. Council Member Ellison and Mayor Pro Tem Koch were absent for the vote.

25. Memorandum of Understanding for the City Lights and Kyle Marketplace Subdivision/Development Between the City of Kyle, Texas, a Texas Home Rule Municipal Corporation (The "City"), and Central Southwest Texas Development, L.L.C. ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 25 for discussion. Mr. Earp presented the item. Mr. Travis Sawvell provided information to Council. Ms. Torres also provided information on this item.

Mayor Mitchell moved to approve a Memorandum of Understanding for the City Lights and Kyle Marketplace Subdivision/Development Between the City of Kyle, Texas, a Texas Home Rule Municipal Corporation (The "City"), and Central Southwest Texas Development, L.L.C. and amend the document as stated by the City Attorney, "If Hays County does not agree to provide the Hays County Incentive, then the Maximum Incentive Amount shall be reduced by an amount equal to what the Hays County Incentive would have been, such amount to be determined by the Parties and included in the 380 Agreement." Council Member Tobias seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

IX. Executive Session

27. 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.
 - Dacy Lane Development Agreement
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - Transportation Master Plan property acquisition
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 Shamrock

There was no Executive Session.

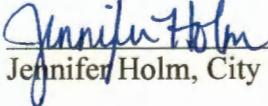
28. Take action on items discussed in Executive Session.

X. Adjourn


Council Member Rizo moved to adjourn. Council Member Flores-Cale seconded the motion. No vote was taken.

With no further business to discuss, the City Council adjourned at 9:48 p.m.

Attest:



Jennifer Holm, City Secretary



Travis Mitchell, Mayor