

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on May 17, 2022 at Kyle City Hall with the following persons present:

Mayor Pro Tem Robert Rizo	Jason Cale
Council Member Dex Ellison	Allen Ross
Council Member Yvonne Flores-Cale	Jeff Barton
Council Member Ashlee Bradshaw	Bob Farmer
Council Member Daniela Parsley	Daniel McElrath
Council Member Michael Tobias	Jon Snyder
Scott Sellers, City Manager	
Jerry Hendrix, Assistant City Manager	
Amber Lewis, Assistant City Manager	
Barbara Boulware, Assistant City Attorney	
Rachel Sonnier, Interim Communications Dir.	
Grant Bowling, Video Production Specialist	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Matt Dawson, IT Director	
Mariana Espinoza, Parks & Recreation Director	
William Atkinson, Senior Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Tim Griffith, Police Lieutenant	
Catlyn Bone, Police Sergeant	
James Plant, Police Officer	
Philip Cleary, Police Officer	
Harper Wilder, Director of Public Works	

I. Call Meeting to Order

Mayor Pro Tem Rizo called the meeting to order at 7:04 p.m. The Pledge of Allegiance was recited. Mayor Pro Tem Rizo asked the city secretary to call roll.

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

II. Approval of Minutes

1. City Council Special Meeting Minutes - April 11, 2022. ~ *Jennifer Holm, City Secretary*
2. City Council Special Meeting Minutes - April 19, 2022. ~ *Jennifer Holm, City Secretary*
3. City Council Regular Meeting Minutes - April 19, 2022. ~ *Jennifer Holm, City Secretary*

Council Member Bradshaw left the dais at 7:05 p.m.

Council Member Tobias moved to approve the minutes of the April 11, 2022 Special Council Meeting, the minutes of the April 19, 2022 Special Council Meeting and the minutes of the April 19, 2022 Council Meeting. Council Member Parsley seconded the motion. Motion carried 5-0. Council Member Bradshaw was absent for the vote.

III. Citizen Comment Period with City Council

Mayor Pro Tem Rizo opened citizen comments at 7:06 p.m.

Jason Cale was called to speak as registered. He thanked Council Member Bradshaw for agreeing to pay back any expense that was not properly documented. He asked for that to be made public when it happens. He asked whether Mayor Mitchell and former Council Member Rick Koch would do the same. He spoke about the audit being done and asked about gas reimbursements as well. He stated that Mayor Mitchell spent \$1,253, Council Member Bradshaw spent \$920, and that former Council Member Koch spent \$2388 on gas. Mr. Cale continued that many times no receipts were turned in for their spending. He asked whether Council would hold City employees of higher accountability than themselves.

Council Member Bradshaw returned to the dais at approximately 7:08 p.m.

With no one else wishing to speak, Mayor Pro Tem Rizo closed citizen comments at 7:10 p.m.

IV. Presentation

4. National Police Week Proclamation. ~ *Michael Tobias, Council Member*

No action was taken.

5. Asian Pacific American Heritage Month City Council Proclamation. ~ *Dex Ellison, Council Member*

No action was taken.

6. 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*
 - Downtown Master Plan Survey
 - Budget Workshops
 - Memorial Day City offices closed - May 30th
 - Citywide Cleanup Event - May 21st
 - Family Skate Night May 20th
 - Movie In the Park May 27th
 - Seeking Vendors for Market Days and Juneteenth
 - National Trails Day June 4th

No action was taken.

7. Update on low-hanging wires and unused utility poles on E RM 150. ~ *Chance Padier, Environmental Services & Trades Division Manager*

No action was taken.

8. CIP/Road Projects and Consent Agenda Presentation. ~ *Leon Barba, P.E., City Engineer*

No action was taken.

V. Consent Agenda

Council Member Flores-Cale pulled Item Nos. 9, 12, 24, and 25.

10. Approve revised invoice from WASTEWATER TRANSPORT SERVICES reducing the final cost from \$17,408.57 to \$16,877.57 for emergency cleaning at the City's wastewater treatment Plant. The City Council considered and approved ratification of the original invoice on April 19, 2022. ~ *Harper Wilder, Director of Public Works*
11. Approve a resolution authorizing the Mayor to execute an Advance Funding Agreement with the Texas Department of Transportation, Austin, Texas, which includes an amount not to exceed \$8,960.00 for TxDOT services, for street and raised median improvements on FM 150 (Center Street) at the Union Pacific Railroad Company crossing for future implementation of the Quiet Zone. ~ *Leon Barba, P.E., City Engineer*
13. Authorize award and execution of a purchase order to QRO MEX CONSTRUCTION CO. INC.; Granite Shoals, Texas; lowest and most responsible bidder (only bid submitted), in an amount not to exceed \$233,048.55, which includes a five (5) percent contingency to perform all work required for the decommissioning of the Bunton Creek and Southlake lift stations. ~ *Leon Barba, P.E., City Engineer*
14. Approve Task Order No. 2 to PAPE-DAWSON ENGINEERING, INC., Austin, Texas, in the amount not to exceed \$36,400.00 for the development of a preliminary engineering report for Center Street from Veterans Drive to Old Stagecoach Road and Old Stagecoach Road, from Center St. to Veterans Drive. ~ *Leon Barba, P.E., City Engineer*
15. Approve Task Order No. 3 to PAPE-DAWSON ENGINEERING, INC., Austin, Texas, in the amount not to exceed \$112,882.50 for the development of a preliminary engineering report for FM 150 (Center Street) from Main St. to Veterans Drive). ~ *Leon Barba, P.E., City Engineer*
16. Approve a master agreement with BGE INCORPORATED, Austin, Texas, a civil engineering consulting firm, to provide professional services for Bunton Creek Road and Task Order #1 in an amount of \$170,393.70 to develop a preliminary engineering report for Bunton Creek Road. ~ *Leon Barba, P.E., City Engineer*
17. Approve a master agreement with AMERICAN STRUCTUREPOINT, INCORPORATED, Austin, Texas, a civil engineering consulting firm, to provide professional services for Bebee Road and Task Order #1 in an amount of \$190,781.35 to develop a preliminary engineering report. ~ *Leon Barba, P.E., City Engineer*
18. Approve a master agreement with RPS INFRASTRUCTURE, INC., Austin, Texas, a civil engineering consulting firm, to provide professional services for Marketplace Ave. Extension

and Task Order #1 in an amount of \$106,975 to develop a preliminary engineering report.
~ *Leon Barba, P.E., City Engineer*

19. Approve a master agreement with COBB, FENDLEY & ASSOCIATES, INC., San Marcos, Texas, a civil engineering consulting firm, to provide professional services for Kyle Parkway and Lehman Road Extension and Task Order #1 in an amount of \$209,894.60 to develop a preliminary engineering report. ~ *Leon Barba, P.E., City Engineer*
20. Approve a master agreement with KIMLEY-HORN & ASSOCIATES, INC., Austin, Texas, a civil engineering consulting firm, to provide professional services for Goforth Road and Task Order #1 in an amount of \$184,251.00 to develop a preliminary engineering report. ~ *Leon Barba, P.E., City Engineer*
21. Approve a master agreement with LOCKWOOD, ANDREWS, & NEWNAM, INC., San Marcos, Texas, a civil engineering consulting firm, to provide professional services for Windy Hill Road and Task Order #1 in an amount of \$127,436.00 to develop a preliminary engineering report. ~ *Leon Barba, P.E., City Engineer*
22. *(Second Reading)* An ordinance of the City of Kyle, Texas Providing for withholding of Water Taps and Water Meters or Other Reasonable Enforcement Actions to be taken for Crosswinds Municipal Utility District Properties that are out of Compliance with the Rules on Erosion and Sediment Control. ~ *James R. Earp, Assistant City Manager*

City Council voted 7-0 to approve on first reading on 5/3/2022.

23. Approved Resubdivision of Plum Creek Phase 1, Lot 1, Block A, Business Park (SUB-22-0250) 5.01 acres; 2 lots located at 1670 Kohler's Crossing. ~ *Will Atkinson, Senior Planner*

Planning and Zoning Commission voted 7-0 to recommend approval.

26. Agreement by and between the City of Kyle, Texas and Barnes, Gromatzky, Kosarek Architects for services in relation to the design of 104. S. Burleson building. ~ *Amber Lewis, Assistant City Manager*

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 26. Council Member Bradshaw seconded the motion. Motion carried 6-0.

VI. Items Pulled from Consent Agenda

9. Approve Reimbursement Agreement between UNION PACIFIC RAILROAD, Omaha, Nebraska, in the amount not exceed \$75,000.00, for preliminary engineering services for the Vybe Trail Tunnel project bore underneath the railroad. ~ *Allen Ross, Schaumberg and Polk, Inc.*

Council Member Ellison moved to approve a Reimbursement Agreement between Union Pacific Railroad, Omaha, Nebraska, in the amount not exceed \$75,000.00, for preliminary engineering services for the Vybe Trail Tunnel project bore underneath the railroad. Council Member Bradshaw seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting.

12. Approve Task Order No. 8 to CP&Y, INC., Austin, Texas, in an amount not to exceed \$65,847.50, to develop a Preliminary Engineering Report for the possible installation of traffic signals or roundabouts at the intersections of Kohlers Crossing and Sanders, Kohlers Crossing and Benner, and Kohlers Crossing and Cromwell Drive. ~ *Leon Barba, City Engineer*

Council Member Flores-Cale moved to approve Task Order No. 8 to CP&Y, Inc., Austin, Texas, in an amount not to exceed \$65,847.50, to develop a Preliminary Engineering Report for the possible installation of traffic signals or roundabouts at the intersections of Kohlers Crossing and Sanders, Kohlers Crossing and Benner, and Kohlers Crossing and Cromwell Drive. Council Member Parsley seconded the motion. Motion carried 6-0.

24. Approve a contract with VIKING CONSTRUCTION, INC., Georgetown, Texas, in an amount not to exceed \$492,157.10 for the 2022 Miscellaneous Streets Micro-Surfacing Project. ~ *Leon Barba, P.E., City Engineer*

Council Member Flores-Cale recused herself and left the dais at 7:53 p.m.

Mayor Pro Tem Rizo moved to approve a contract with Viking Construction, Inc., Georgetown, Texas, in an amount not to exceed \$492,157.10 for the 2022 Miscellaneous Streets Micro-Surfacing Project. Council Member Parsley seconded the motion. Motion carried 5-0 with one recusal for Council Member Flores-Cale.

25. Addendum to the March 15, 2021 Letter Agreement for Legal Services to add the following matter: Cause No. 22-0813; The State of Texas, ex. rel. 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 207th Judicial District Court of Hays County, Texas. ~ *Paige Saenz, City Attorney*

Council Member Flores-Cale returned to the dais at 7:53 p.m.

Council Member Ellison moved to approve an Addendum to the March 15, 2021 Letter Agreement for Legal Services to add the following matter: Cause No. 22-0813; The State of Texas, ex. rel. 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 207th Judicial District Court of Hays County, Texas. Council Member Bradshaw seconded the motion.

Mayor Pro Tem Rizo called the question. Motion carried 6-0.

Mayor Pro Tem Rizo called for the vote on the original motion. Motion carried 6-0.

VII. Consider and Possible Action

27. Discussion and possible action regarding the City's legal procedures, to include updating the City of Kyle's registered agent, as well as reviewing and updating current/future policies regarding pending litigation. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale moved to list a staff member as the City of Kyle's registered agent. Council Member Parsley seconded the motion. Council Member Flores-Cale withdrew her motion.

No further action was taken.

28. Update and discussion of Papa Jack's and Jack's Axes. ~ *Yvonne Flores-Cale, Council Member*

Mr. Hendrix presented the item. No action was taken.

29. Discussion and possible action addressing concerns from council and residents regarding the City Manager and MUNICIPAL CONSULTING, LIMITED LIABILITY COMPANY, to include any other authorized and/or unauthorized outside business activities. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale moved to postpone Agenda Item No. 29. Council Member Parsley seconded the motion. Motion failed 2-4 with Mayor Pro Tem Rizo and Council Members Bradshaw, Ellison, and Tobias dissenting.

Council Member Ellison moved to accept the advisory opinion by Doug Montgomery, the City of Kyle's Ethics Compliance Officer, and to reaffirm the Council's support that was previously given in January of 2021 to allow the city manager to participate in consulting services and business services, meeting still the same criteria outlined that Council gave originally not to work with sister cities, and if we could just go back to the record of all of those outlines we gave that I felt very comfortable at that time as well and approve the city managers outside employment. Council Member Bradshaw seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting.

30. Professional services agreement for 2022 Bond Election Public Education with Dandy Planning dba Gap Strategies for \$65,000. ~ *Jerry Hendrix, Assistant City Manager*

Mr. Hendrix presented, along with Jeff Barton. Council Member Flores-Cale left the dais at 8:23 p.m.

Council Member Tobias moved to approve a Professional services agreement for 2022 Bond Election Public Education with Dandy Planning dba Gap Strategies for \$65,000. Council Member Ellison seconded the motion. Motion carried 5-0. Council Member Flores-Cale was absent for the vote.

31. Consider authorizing the City's Director of Finance to initiate process, prepare documents, and to coordinate all necessary steps for the issuance of General Obligation Bonds, Series 2022 in an amount not to exceed \$37,000,000.00 to provide funding for the design, construction, and all furniture, fixture, and equipment required for the new Kyle Public Safety Center facility as authorized by the voters of Kyle, Texas on November 3, 2020. ~ *Perwez A. Moheet, CPA, Director of Finance*

Council Member Flores-Cale returned to the dais at 8:26 p.m.

Council Member Parsley moved to authorize the City's Director of Finance to initiate process, prepare documents, and to coordinate all necessary steps for the issuance of General Obligation Bonds, Series 2022 in an amount not to exceed \$37,000,000.00 to provide funding for the design, construction, and all furniture, fixture, and equipment required for the new Kyle Public Safety Center facility as authorized by the voters of Kyle, Texas on November 3, 2020. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

32. Authorize the city manager or his designee to negotiate a contract with Core Office Interiors for the design, procurement and installation of furniture for the Public Safety Center. ~ *Bob Farmer, AG|CM*

Council Member Ellison moved to authorize the city manager or his designee to negotiate a contract with Core Office Interiors for the design, procurement and installation of furniture for the Public Safety Center. Council Member Tobias seconded the motion. Motion carried 6-0.

33. *(Second Reading)* An ordinance of the City of Kyle, Texas annexing 119.703 acres of land, more or less located at 1111 and 1113 Roland Lane, approximately 3,000' northwest of the intersection of IH-35 & Roland Lane in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. (Edward Coster Bullock Jr. - ANNX-22-0017) ~ *Will Atkinson, Senior Planner*

City Council voted 7-0 to approve on first reading.

Council Member Flores-Cale moved to approve an ordinance of the City of Kyle, Texas annexing 119.703 acres of land, more or less located at 1111 and 1113 Roland Lane, approximately 3,000' northwest of the intersection of IH-35 & Roland Lane in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. Council Member Bradshaw seconded the motion. Motion carried 6-0.

34. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 87.694 acres of land from 'A' to 'R-1-C' (Residential Condominium, 30.565 acres), 'R-1-3' (Single Family Residential – 3, 26.322 acres), 'R-1-2' (Single Family Residential – 2, 19.130 acres) & 'CC' (Community Commercial, 11.677 acres) for property located at 1111 & 1113 Roland Lane, in Hays County, Texas. (Edward Coster Bullock Jr. - Zoning -Z-22-0094) ~ *Will Atkinson, Senior Planner*

Planning and Zoning Commission voted 7-0 to recommend approval the request contingent on full annexation.

- Public Hearing

Mayor Pro Tem Rizo opened the public hearing at 8:37 p.m. With no one wishing to speak, Mayor Pro Tem Rizo closed the public hearing at 8:37 p.m.

Council Member Bradshaw moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 87.694 acres of land from 'A' to 'R-1-C' (Residential Condominium, 30.565 acres), 'R-1-3' (Single Family Residential – 3, 26.322 acres), 'R-1-2' (Single Family Residential – 2, 19.130 acres) & 'CC' (Community Commercial, 11.677 acres) for property located at 1111 & 1113 Roland Lane, in Hays County, Texas. Council Member Flores-Cale seconded the motion.

No vote was held. After further council discussion, an unidentified applicant representative spoke at approximately 8:39 p.m. regarding the various residential zonings to include townhomes.

Council Member Flores-Cale moved to approve Item No. 35. Council Member Parsley seconded the motion.

Mayor Pro Tem corrected and stated that Council was considering Item No. 34. He then stated it was in fact Item No. 35. Motion carried 5-1 with Council Member Ellison dissenting. After the vote was taken, Mr. Atkinson confirmed that the next item to be considered is the development agreement associated with Item No. 34, and the vote that had taken place was for Item No. 34.

35. Consider and possible action on a development agreement by and between the City of Kyle, Texas and Edward Coster Bullock, Jr. ~ *Will Atkinson, Senior Planner*

Mayor Pro Tem Rizo moved to approve a development agreement by and between the City of Kyle, Texas and Edward Coster Bullock, Jr. Council Member Bradshaw seconded the motion. Motion carried 5-1 with Council Member Ellison dissenting.

36. *(Second Reading)* An ordinance of the City of Kyle, Texas annexing 176.023 acres of land, more or less, located at 5260 Hillside Terrace, in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. (Hillside Terrace/Porter Country - ANNX-21-0015) ~ *Will Atkinson, Senior Planner*

City Council voted 7-0 to approve on first reading.

Council Member Bradshaw left the dais at 8:47 p.m.

Council Member Tobias moved to approve an ordinance of the City of Kyle, Texas annexing 176.023 acres of land, more or less, located at 5260 Hillside Terrace, in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. Council Member Ellison seconded the motion. Motion carried 5-0. Council Member Bradshaw was absent for the vote.

37. *(Second Reading)* An ordinance of the City of Kyle, Texas annexing 82.951 acres of land, more or less, located on FM 2001, approximately 500' north of Windy Hill Road, in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. (Hillside Terrace/Porter Country - ANNX-21-0016) ~ *Will Atkinson, Senior Planner*

City Council voted 7-0 to approve on first reading.

Council Member Bradshaw returned to the dais at 8:49 p.m.

Council Member Flores-Cale moved to approve an ordinance of the City of Kyle, Texas annexing 82.951 acres of land, more or less, located on FM 2001, approximately 500' north of Windy Hill Road, in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. Council Member Ellison seconded the motion. Motion carried 6-0.

38. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 259 acres of land from Agriculture 'A' to Planned Unit Development 'PUD' for property located at 5260 Hillside Terrace, in Hays County, Texas. (Hillside Terrace Development LLC - Zoning - Z-21-0090) ~ *Will Atkinson, Senior Planner*

Planning and Zoning Commission voted 7-0 to recommend approval the request contingent on full annexation.

- Public Hearing

Mayor Pro Tem Rizo opened the public hearing at 8:52 p.m. With no one wishing to speak, Mayor Pro Tem Rizo closed the public hearing at 8:52 p.m.

Daniel McElrath, the developer, spoke to address council questions.

Council Member Ellison moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 259 acres of land from Agriculture 'A' to Planned Unit Development 'PUD' for property located at 5260 Hillside Terrace, in Hays County, Texas. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

39. Consider and possible action on a development agreement by and between the City of Kyle, Texas and Hillside Terrace Development, LLC. ~ *Paige Saenz, City Attorney*

Council Member Ellison moved to approve a development agreement by and between the City of Kyle, Texas and Hillside Terrace Development, LLC. Council Member Bradshaw seconded the motion. Motion carried 6-0.

40. Consideration and Possible Action on a Resolution of the City of Kyle, Texas, Approving an Amendment to the Kyle 57 Public Improvement District within the City of Kyle pursuant to Chapter 372 of the Texas Local Government Code. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

- Public Hearing

Mayor Pro Tem Rizo opened the public hearing at 8:56 p.m. With no one wishing to speak, Mayor Pro Tem Rizo closed the public hearing at 8:56 p.m.

Council Member Bradshaw moved to approve a resolution of the City of Kyle, Texas, Approving an Amendment to the Kyle 57 Public Improvement District within the City of Kyle pursuant to Chapter 372 of the Texas Local Government Code. Council Member Tobias seconded the motion. Motion carried 6-0.

41. Consideration and Possible Action on a Resolution Approving an Amendment to the Kyle 57 Public Improvement District Financing Agreement within the City of Kyle pursuant to Chapter 372 of the Texas Local Government Code. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

Council Member Ellison moved to approve a resolution approving an Amendment to the Kyle 57 Public Improvement District Financing Agreement within the City of Kyle pursuant to Chapter 372 of the Texas Local Government Code. Council Member Parsley seconded the motion. Motion carried 6-0.

42. Consideration and Possible Action on approval of a Completion Agreement with Kyle 57 Development, Inc. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

Council Member Tobias moved to approve a Completion Agreement with Kyle 57 Development, Inc. Council Member Bradshaw seconded the motion. Motion carried 6-0.

43. Consideration and Possible Action on a Resolution Approving the Form and Authorizing the Distribution of a Preliminary Limited Offering Memorandum for City of Kyle, Texas Special Assessment Revenue Bonds, Series 2022 (Kyle 57 Public Improvement District). ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

Council Member Ellison moved to approve a resolution approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for City of Kyle, Texas Special Assessment Revenue Bonds, Series 2022 (Kyle 57 Public Improvement District). Council Member Parsley seconded the motion. Motion carried 6-0.

44. Consideration and Possible Action on a Resolution Accepting a Preliminary Service and Assessment Plan for the Kyle 57 Public Improvement District; Directing the Filing of a Proposed Assessment Roll for said Public Improvement District; Approving the Publication of Notice of a Public Hearing to Consider an Ordinance Levying Assessments on Property Located within Said Public Improvement District that is Specially Benefitted by the Improvements being Financed; Directing City Staff to Publish and Mail Notice of Said Public Hearing; and Resolving Other Matters Incident and Related Thereto; and Providing an Effective Date. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

Council Member Tobias moved to approve a resolution accepting a Preliminary Service and Assessment Plan for the Kyle 57 Public Improvement District; Directing the Filing of a Proposed Assessment Roll for said Public Improvement District; Approving the Publication of Notice of a Public Hearing to Consider an Ordinance Levying Assessments on Property Located within Said Public Improvement District that is Specially Benefitted by the Improvements being Financed; Directing City Staff to Publish and Mail Notice of Said Public Hearing; and Resolving Other Matters Incident and Related Thereto; and Providing an Effective Date. Council Member Bradshaw seconded the motion. Motion carried 6-0.

45. Calling a Public Hearing to Issue Special Assessment Revenue Bonds in the Kyle 57 Public Improvement District. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

Council Member Ellison moved to approve calling a Public Hearing to Issue Special Assessment Revenue Bonds in the Kyle 57 Public Improvement District. Council Member Bradshaw seconded the motion. Motion carried 6-0.

VIII. Executive Session

46. 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.

- Communication protocol with city manager and city attorney
 - Woodmere Park Development Agreement
 - Combined Emergency Communications Center
 - Intersection at RM 150 and Silverado
 - Cause No. 22-0873 The State of Texas, Ex. Rel. 1200 S. Old Stagecoach Road, LLC vs. City of Kyle, Texas
 - ETJ Swap
 - Cause No. 21-2336 John D. Ferrara vs. J. Scott Sellers, City Manager for the City of Kyle, Texas
 - Stoddard Construction Contract
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 Fire Engine Red
 - Project French Lime

Council Member Parsley 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 No. 22-0873 The State of Texas, Ex. Rel. 1200 S. Old Stagecoach Road, LLC vs. City of Kyle, Texas." The City Council convened into executive session at 9:05 p.m.

Council Member Flores-Cale left the meeting at 10:10 p.m. and recused herself from the item.

47. Take action on items discussed in Executive Session.

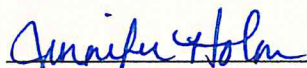
Mayor Pro Tem Rizo called the meeting back to order at 10:39 p.m. Mayor Pro Tem Rizo announced that no action took place in Executive Session and no action would be taken now. Council Member Ellison was no longer present.

IX. Adjourn

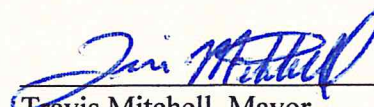
Council Member Tobias moved to adjourn. Council Member Parsley seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 10:40 p.m.

Attest:



Jennifer Holm, City Secretary



Travis Mitchell, Mayor