

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on June 7, 2022 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Christopher Calkins
Mayor Pro Tem Robert Rizo*	Kay Rush
Council Member Dex Ellison	Allen Ross
Council Member Yvonne Flores-Cale	Jon Snyder
Council Member Ashlee Bradshaw	Travis Donnell
Council Member Daniela Parsley	Richard Bard
Council Member Michael Tobias	Kyle Taylor
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Jerry Hendrix, Assistant City Manager	
Amber Lewis, Assistant City Manager	
Barbara Boulware-Wells, Asst. City Attorney	
Rachel Sonnier, Interim Communications Dir.	
Xander Baker, Marketing & Multimedia Spcl.	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Kathy Roecker, SWMP Administrator	
Victoria Vargas, Economic Dev. Project Mgr.	
Matt Dawson, IT Director	
Danielle De Leon Guerrero, IT Systems Analyst	
Paul Phelan, Library Director	
Mariana Espinoza, Parks & Recreation Director	
Amanda Fluitt, Office Manager - Parks	
William Atkinson, Senior Planner	
Jeff Barnett, Chief of Police	
Tim Griffith, Police Lieutenant	
Harper Wilder, Director of Public Works	
Julie Crookston, Asst. Director of Public Works	
David Amsler, Management Analyst	

I. Call Meeting to Order

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

Present were: Mayor Mitchell, Council Member Ellison, Council Member Flores-Cale, Council Member Bradshaw, Council Member Parsley, and Council Member Tobias. A quorum was present. Mayor Pro Tem Rizo was absent but arrived virtually at 7:08 p.m. during Citizen Comments. He returned in person at 8:07 p.m. during Item No. 25.

II. Approval of Minutes

1. City Council Special Meeting Minutes - May 3, 2022. ~ *Jennifer Holm, City Secretary*

*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.

2. City Council Regular Meeting Minutes - May 3, 2022. ~ *Jennifer Holm, City Secretary*
3. City Council Special Meeting Minutes - May 12, 2022. ~ *Jennifer Holm, City Secretary*

Council Member Tobias moved to approve the minutes of the May 3, 2022 Special Council Meeting, the minutes of the May 3, 2022 Council Meeting, and the minutes of the May 12, 2022 Special Council Meeting. Council Member Flores-Cale seconded the motion. Motion carried 6-0. Mayor Pro Tem Rizo was absent for the vote.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:05 p.m.

Christopher Calkins representing 1st Vice AMVETS was called to speak as registered. He spoke about their first annual people's walk and 10th anniversary birthday celebration of AMVETS coming up on June 12.

Kay Rush representing Amberwood and Seniors was called to speak as registered regarding Item No. 28. She thanked Council Member Ellison for bringing forward the item about homestead exemptions. She spoke about the rising property values that are raising the property taxes and also about her high water bill from Monarch Water. She asked Council to approve a homestead exemption to help the seniors and disabled keep their homes that they worked all their lives to afford.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:11 p.m.

IV. Presentation

4. Memorial Day/D-Day Proclamation. ~ *Robert Rizo, Mayor Pro Tem*

The proclamation was presented by Council Member Tobias. No action was taken.

5. Women Veterans Day (June 12th) City Council Proclamation. ~ *Dex Ellison, Council Member*

Ms. De Leon Guerrero presented the proclamation. No action was taken.

6. Presentation of Graduates of the 2022 Team Kyle Academy. ~ *James R. Earp, Assistant City Manager*

Mr. Earp presented the item alongside Mr. Baker. Certificates were provided to GayLynne Carson, Priscilla Cruz, Sylvia Diaz, Michael Harellick, Mary Landrum, Susan Jean Reyna, Kenneth Rocha, Frank Schultz, and Larry Simone. No action was taken.

7. Spring Creek Trail Presentation. ~ *Allen Ross, Schaumburg & Polk, Inc.*

No action was taken.

8. 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*

- Budget Workshops
- Boards and Commissions Openings
- National Trails Day – June 4th
- Movie in the Park – June 7th
- Juneteenth Celebration/First Market Days - June 11th
- Family Skate Night – June 17th
- James Adkins Pool Public Swim Day open June 24th
- AMVETS Walker Event – June 12th
- Juneteenth Dialogue – June 17th
- State of the City – June 28th
- 4th of July Fireworks
- Summer Reading Program

Mr. Sellers, Ms. Espinoza, Mr. Phelan, and Ms. Sonnier presented the item. No action was taken.

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

No action was taken.

V. Consent Agenda

10. Approve an Interlocal Agreement Between Hays County and the City of Kyle related to the Dacy Lane Project from Bebee Rd. to Amberwood Loop. ~ *Leon Barba, P.E., City Engineer*
11. Approve Task Order No. 14 to LJA ENGINEERING, INC., Austin, Texas in an amount not to exceed \$48,499.00 for the Dacy Lane Illumination and Shared Use Path Design Project ~ *Leon Barba, P.E., City Engineer*
12. *(Second 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.

City Council voted 5-1 to approve on first reading on 5/17/2022.

13. *(Second 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 of the request contingent on full annexation.

City Council voted 6-0 to approve on first reading on 5/17/2022.

14. Approve a professional services agreement with P3WORKS, LLC, Austin, Texas, to provide Public Improvement District (PID) formation and administration services to the City of Kyle in association with the Porter Country Public Improvement District PID. All costs incurred for services under this agreement will be paid through future PID assessments collected.
~ *J. Scott Sellers, City Manager*
15. Approval of a Resolution of the City Council of the City of Kyle, Texas accepting the Talavera Phase 1 Subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law.
~ *Leon Barba, P.E., City Engineer*
16. Approve a Resolution of the City of Kyle, Texas, Authorizing the submission of a Hazard Mitigation Assistance Grant Application for DR-4485, appointing the city manager as the chief executive officer and authorized representative to act in all matters in connection with the FEMA mitigation grants. ~ *James R. Earp, Assistant City Manager*
17. Consider and possible action to approve contract with Lone Star Trapping for feral hog removal on city-owned property. ~ *Kathy Roecker, Stormwater Management Plan Administrator*
18. Approve a Resolution of the City of Kyle, Texas, Committing the City of Kyle to provide local matching funds to secure and complete the FEMA Hazard Mitigation Grant Projects.
~ *James R. Earp, Assistant City Manager*
19. Authorize the City Manager to execute the TDEM DR-4485 Application Certification.
~ *James R. Earp, Assistant City Manager*
20. Authorize the City Manager to execute acceptance of DR-4485 Grant Terms and Conditions required should grant funds be awarded. ~ *James R. Earp, Assistant City Manager*
21. *(First Reading)* An ordinance of the City of Kyle, Texas, Amending Part II, Chapter 2, Article III Boards, Committees and Commissions, Division 1 Generally, Subdivision I Boards, Section 2-42. Appointment; Repealing conflicting ordinances and providing for related matters. ~ *James R. Earp, Assistant City Manager*
22. Approve Task Order No. 15 to LJA ENGINEERING, INC., Austin, Texas in an amount not to exceed \$150,913.20 for designing a new 16" waterline within the new FM 110 right of way. ~ *Leon Barba, P.E., City Engineer*
23. Approval of Change Order No. 8 to SKYBLUE UTILITIES, INC., Kingsland, Texas, in an additional amount of \$546,675.37, increasing the total contract amount, not to exceed, \$6,756,882.60 for City requested changes and unforeseen conditions. ~ *Leon Barba, P.E., City Engineer*

24. Authorize the Mayor to execute a contract for professional services with Halff and Associates for the DR-4485 Hazard Mitigation grant. ~ *James R. Earp, Assistant City Manager*

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24. Council Member Tobias seconded the motion. Motion carried 7-0. With no objections Item No. 21 was finally passed.

VI. VI. Items Pulled from Consent Agenda

VII. VII. Consider and Possible Action

25. Consider and possible action to waive the requirement of the 12-month waiting period in Sec. 53-1205(i)(2) of the City's Code of Ordinances with regard to the application for zoning or property located at 5839 Kyle Parkway, in Hays County, Texas. CTC Residential LLC (Z-21-0091). ~ *Daniela Parsley, Council Member*

City Council voted 1-6 to approve on 1/18/2022.

Travis Donnell, the applicant, was asked to speak on the project.

Council Member Bradshaw moved to waive the requirement of the 12-month waiting period in Sec. 53-1205(i)(2) of the City's Code of Ordinances with regard to the application for zoning or property located at 5839 Kyle Parkway, in Hays County, Texas. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

26. Discussion regarding possible text amendments and/or alternative traffic calming measures to be considered in single residential zoned areas (including but not limited to R-1-1, R-1-2, R-1-3, R-1-A, M-1, M-2, M-3). ~ *Dex Ellison, Council Member*

Council Member Ellison moved to postpone Agenda Item until after Item No. 35. Mayor Mitchell seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

27. Discussion and possible action regarding the City of Kyle's process of creating the Comprehensive Plan. ~ *Yvonne Flores-Cale, Council Member*

No action was taken.

28. Discussion and possible action regarding a change in the City of Kyle's homestead exemption. ~ *Yvonne Flores-Cale, Council Member*

Mayor Mitchell moved to direct staff to incorporate possible homestead exemption possibilities into their analysis as it relates to the setting of the tax rate, calling for bond, and setting of the budget. Council Member Tobias seconded the motion. Motion carried 7-0.

29. *(First Reading)* An ordinance granting to Universal Natural Gas, LLC (d/b/a Universal Natural Gas, Inc.) and its successors and assigns, for a period of ten (10) years from the effective date of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate and maintain a distribution system within, along, across, over and under

the public ways of the city of Kyle, Texas for the transportation, distribution and/or sale of gas to customers and the public in the city; defining the words and phrases therein; providing for assignment, sale or lease of the franchise; providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines; providing for indemnification of the city of Kyle; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for construction of this ordinance upon the invalidity of any part thereof; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances directly in conflict herewith; providing for severability; providing for publication and prescribing an effective date. ~ *Jerry Hendrix, Assistant City Manager*

- Public Hearing

Mayor Mitchell opened the public hearing at 8:39 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:39 p.m.

Richard Bard spoke about the size of the distribution lines.

Council Member Flores-Cale moved to approve an ordinance granting to Universal Natural Gas, LLC (d/b/a Universal Natural Gas, Inc.) and its successors and assigns, for a period of ten (10) years from the effective date of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate and maintain a distribution system within, along, across, over and under the public ways of the city of Kyle, Texas for the transportation, distribution and/or sale of gas to customers and the public in the city; defining the words and phrases therein; providing for assignment, sale or lease of the franchise; providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines; providing for indemnification of the city of Kyle; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for construction of this ordinance upon the invalidity of any part thereof; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances directly in conflict herewith; providing for severability; providing for publication and prescribing an effective date. Council Member Tobias seconded the motion. Motion carried 6-0. Council Member Ellison left the dais at approximately 8:41 p.m. He was absent for the vote.

30. Consideration and possible action on an Ordinance of the City of Kyle Making a Finding of Special Benefit to the Property in the Kyle 57 Public Improvement District; Providing for the Method of Assessment of Special Assessments Against Property in the District; Approving an Assessment Roll for the District; Levying Assessments Against Property within the District; Providing for Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Establishing a Lien on Property within the District; Approving a Service and Assessment Plan; Approving Landowner Agreements; 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 opened the public hearing at 8:43 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:43 p.m. Council Member Ellison returned at 8:43 p.m.

Mayor Mitchell moved to approve an ordinance of the City of Kyle Making a Finding of Special Benefit to the Property in the Kyle 57 Public Improvement District; Providing for the Method of Assessment of Special Assessments Against Property in the District; Approving an Assessment Roll for the District; Levying Assessments Against Property within the District; Providing for Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Establishing a Lien on Property within the District; Approving a Service and Assessment Plan; Approving Landowner Agreements; Providing for Related Matters in Accordance with Chapter 372, Texas Local Government Code; Providing an Effective Date; and Providing for Severability. Council member Flores-Cale seconded the motion. Motion carried 7-0. With no objections, the Ordinance was finally passed.

31. Consideration and possible action on an Ordinance Authorizing the Issuance of the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2022 (Kyle 57 Public Improvement District); 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 opened the public hearing at 8:44 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:44 p.m.

Mayor Mitchell moved to approve an ordinance Authorizing the Issuance of the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2022 (Kyle 57 Public Improvement District); 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 Parsley seconded the motion. Motion carried 7-0. With no objections, the Ordinance was finally passed.

32. Consider and possible action to approve an Infrastructure and Property Conveyance Agreement, a Property Conveyance Escrow Agreement, the Transportation Improvement Design, and Permitting and Construction Agreement in the Brick and Mortar District by and between Plum Creek Development Partners, LTD., Mountain Plum, LTD., and the City of Kyle, Texas, and the First and Second Amendments to Letter Agreement confirming Allocation of Land to Satisfy Land Dedication of Plum Creek Land to the City of Kyle, Texas. ~ *J. Scott Sellers, City Manager*

Council Member Bradshaw moved to approve an Infrastructure and Property Conveyance Agreement, a Property Conveyance Escrow Agreement, the Transportation Improvement Design,

and Permitting and Construction Agreement in the Brick and Mortar District by and between Plum Creek Development Partners, LTD., Mountain Plum, LTD., and the City of Kyle, Texas, and the First and Second Amendments to Letter Agreement confirming Allocation of Land to Satisfy Land Dedication of Plum Creek Land to the City of Kyle, Texas. Mayor Mitchell seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

33. Consider and possible action on a Resolution of the City Council of the City of Kyle, Texas accepting a Petition for Creation of the Porter Country Public Improvement District; Setting a public hearing under Sec. 372.009 of the Texas Local Government Code on the advisability of the creation of the Porter Country Public Improvement District within the City of Kyle, Texas; and Authorizing the issuance of Notice by the City Secretary of Kyle, Texas regarding the public hearing. ~ *Amber Lewis, Assistant City Manager*

Mayor Pro Tem Rizo moved to approve a resolution of the City Council of the City of Kyle, Texas accepting a Petition for Creation of the Porter Country Public Improvement District; Setting a public hearing under Sec. 372.009 of the Texas Local Government Code on the advisability of the creation of the Porter Country Public Improvement District within the City of Kyle, Texas; and Authorizing the issuance of Notice by the City Secretary of Kyle, Texas regarding the public hearing. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

After Item No. 33, Mayor Mitchell asked whether there were any objections to having Item Nos. 31 and 32 finally passed. There were none.

34. Consider and possible action to retain services of Mark McCliney from SAMCO Capital as the city's financial advisor. ~ *J. Scott Sellers, City Manager*
35. Consideration and approval of a resolution approving an engagement agreement for Bond Counsel Legal Services with Norton Rose Fulbright US LLP; and other matters in connection therewith
 - A. The City Council of the City intends to engage Norton Rose Fulbright US LLP to provide the City with bond counsel legal services pertaining to the City's issuance of public securities, including advising the City on its "official statement" to potential investors pursuant to Federal securities law and issuing a legal opinion as to the same.
 - B. Norton Rose Fulbright US LLP has consistently demonstrated its competence, qualifications, and experience as an industry leader in public finance matters through the provision of bond counsel legal services, the representation of local governments on federal income tax matters, the publication of disclosure policies and the representation of state agencies and political subdivisions within the State of Texas on public finance matters.
 - C. Accessing the public markets through the issuance of public securities and providing an "official statement" of the City to potential investors is governed by Federal securities law requires the advice of legal advisors that specialize in public finance matters and are well versed in Federal securities law.
 - D. Engaging an attorney in private practice who specializes in public finance matters and is well versed in all aspects of public finance matters (including state law, federal income tax law and federal securities law) pursuant to an hourly fee arrangement would likely result in higher fees paid by the City and such fees incurred would be payable by the City

through amounts in the City's General Fund, whether or not the public securities is issued.

- E. Fees for professional services in public finance matters, including bond counsel services, have traditionally been paid pursuant to a contingent fee contract, where such fees become payable only upon the successful issuance of the public securities and out of the public securities proceeds. Entering into a contract for bond counsel legal services with Norton Rose Fulbright US LLP (a firm that specializes in public finance matters and is well versed in Federal tax and securities law) payment of which is contingent on the City's successful issuance of public securities and payable out of public securities proceeds, provides the City a superior level of bond counsel legal services and fee(s) payable under the contract is reasonable in the public finance market and would likely be less than if such services were conducted pursuant to an hourly rate contract with an attorney specializing in public finance matters. This high level of bond counsel legal services pursuant to a contingent fee contract is in the best interest of the residents of the City. ~ *J. Scott Sellers, City Manager*

Mr. Sellers presented Item Nos. 34 and 35 simultaneously.

Council Member Flores-Cale moved to postpone Item Nos. 34 and 35 until Council can speak with the City's finance director. Motion died for lack of a second.

Mayor Mitchell moved to approve retaining services of Mark McCliney from SAMCO Capital as the city's financial advisor. Council Member Ellison seconded the motion.

Mayor Mitchell moved to call the question. Council Member Ellison seconded the motion.

Mayor Mitchell requested a roll call vote on calling the question. Mayor Mitchell voted aye; Council Member Ellison voted aye; Council Member Flores-Cale voted nay; Council Member Bradshaw voted aye; Council Member Tobias voted aye; Council Member Parsley voted aye; and Mayor Pro Tem Rizo voted aye. Motion carried 6-1.

Mayor Mitchell called for the vote on the original motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

Mayor Mitchell moved to approve an engagement agreement for bond counsel legal services with Norton Rose Fulbright Us LLP. Council Member Bradshaw seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

26. Discussion regarding possible text amendments and/or alternative traffic calming measures to be considered in single residential zoned areas (including but not limited to R-1-1, R-1-2, R-1-3, R-1-A, M-1, M-2, M-3). ~ *Dex Ellison, Council Member*

Mayor Mitchell brought back Item No. 26 out of order, after Item No. 35. Mr. Wilder, Fire Chief Taylor, Police Chief Barnett, and Mr. Barba presented the item.

Mayor Mitchell moved to establish a task force related to alternative traffic calming measures to be considered in the various residential districts proposed in this item and include in that task force Chief Taylor, Chief Barnett, Leon Barba, Harper Wilder, Will Atkinson, Mayor Pro Tem Rizo, and

Council Members Ellison and Tobias, and set as an expectation that the task force bring back a policy as outlined in this discussion and recommendations as outlined in this discussion by the second meeting in July. Council Member Ellison seconded the motion. Motion carried 7-0.

36. Consider and possible action to approve a resolution of the City of Kyle, Texas, Amending Resolution Number 1273 and Restating the City of Kyle Rules of City Council. ~ *Travis Mitchell, Mayor*

Council Member Flores-Cale moved to strike changes to Rules of Council Item No. 1 under Section B. Motion died for lack of second.

Mayor Mitchell moved to strike language starting with "Agenda Item order is at the discretion of," and begin that sentence with "The Mayor and City Manager," and in addition add language that places before Consider and Possible Action an Item that calls the Mayor to recommend or request any council member who wishes to move any items so that the items can be voted on if such a movement is considered. Council Member Tobias seconded the motion.

Mayor Mitchell clarified and restated his motion as "The mayor and city manager will generally follow the following format, presentations and proclamation, city business, council business, and then strike the rest and then put before consider and possible action, a standing agenda item called agenda order, and at that time, council can make motions to move the agenda order." Motion carried 7-0.

Council Member Parsley moved to approve Item No. G(2). Mayor Pro Tem Rizo seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

Council Member Parsley moved to approve Section J, adding department heads to number 2. Mayor Pro Tem Rizo seconded the motion. Motion carried 7-0.

Council Member Flores-Cale moved to strike language in Item No. 6 "The Mayor or Chair may interrupt the speaker to call the question. In either case, if the question is properly called," and "by another Council Member." Council Member Ellison seconded the motion.

Mayor Mitchell requested a roll call vote. Mayor Pro Tem Rizo voted aye; Council Member Bradshaw voted nay; Council Member Ellison voted nay; Council Member Tobias voted nay; Council Member Parsley voted nay; Council Member Flores-Cale voted aye; Mayor Mitchell voted nay. Motion failed 2-5.

Mayor Mitchell moved to approve the rules of Council including all scrivener's errors and other amendments that have been included. Mayor Pro Tem Rizo seconded the motion. Motion carried 7-0.

VIII. Executive Session

37. 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.
 - Greentrails HOA
 - Combined Emergency Communications Center
 - Cause No. 18-1282; Jesse Espinoza v. the City of Kyle, Texas, in the 22nd Judicial District, Hays County, Texas
 - SOAH Docket No. 407-18-3098.F5, Jesus Espinosa v. Kyle Police Department, Before the State Office of Administrative Hearings
 - Cause No. 22-0873 The State of Texas, Ex. Rel. 1200 S. Old Stagecoach Road, LLC vs. City of Kyle, Texas
 - Nonconforming uses and structures
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - Greentrails HOA
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 Tropical Green
 - Project French Lime
 - Project Goldfish
 - Project Titanium
 - Project Bullseye
 - Project MBA

Council Member Bradshaw 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 10:44 p.m. At some point during executive session, Council Member Flores-Cale recused herself and left the meeting. She did not return.

38. Take action on items discussed in Executive Session.

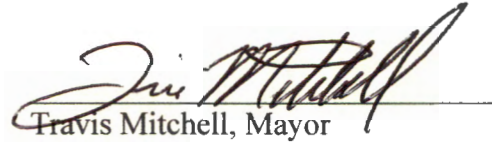
Mayor Mitchell called the meeting back to order at 11:45 p.m. Mayor Mitchell announced that no action took place in Executive Session but action would be taken now.

Mayor Mitchell moved to direct the City Attorney to pursue an Ethics Advisory Opinion related to the item discussed in executive session. Mayor Pro Tem Rizo seconded the motion. Motion fa 6-0. Council Member Flores-Cale was absent.

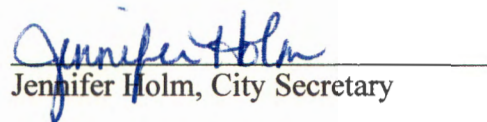
IX. Adjourn

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

With no further business to discuss, the City Council adjourned at 11:46 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Holm, City Secretary