

Special City Council Meeting Minutes

The City Council of the City of Kyle, Texas met in Special Session on November 21, 2017 at Kyle City Hall with the following persons present:

Mayor Todd Webster

Tony Spano

Mayor Pro Tem Damon Fogley

Council Member Travis Mitchell

Council Member Becky Selbera

Council Member Shane Arabie

Council Member David Wilson

Council Member Daphne Tenorio

Scott Sellers, City Manager

James Earp, Assistant City Manager

Frank Garza, City Attorney

Jerry Hendrix, Chief of Staff

Kim Hilsenbeck, Communications Specialist

Jennifer Vetrano, City Secretary

Leon Barba, City Engineer

Matt Dawson, IT Director

Andrew Cable, Municipal Judge

Kerry Urbanowicz, PARD Director

Howard Koontz, Community Dev Director

I. Call Meeting To Order

Mayor Webster called the meeting to order at 6:12 p.m. Mayor Webster asked the secretary to call roll.

Present were: Mayor Webster, Mayor Pro Tem Fogley, Council Member Mitchell, Council Member Selbera, Council Member Arabie, Council Member Wilson and Council Member Tenorio. A quorum was present.

II. Approval of minutes

1. City Council Regular Meeting Minutes - October 4, 2017. ~ *Jennifer Vetrano, City Secretary*
2. City Council Regular Meeting Minutes - October 17, 2017. ~ *Jennifer Vetrano, City Secretary*
3. City Council Special Meeting Minutes - November 4, 2017. ~ *Jennifer Vetrano, City Secretary*

Mayor Webster brought forward Item Nos. 1, 2, and 3 for discussion. Council Member Mitchell moved to approve the minutes of the October 4, 2017 Regular City Council Meeting, the October

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17, 2017 Regular City Council Meeting, and the November 4, 2017 Special City Council Meeting. Council Member Tenorio asked to pull #3. Council Member Arabie seconded the motion.

There was discussion on the motion. Council Member Tenorio stated that there were questions regarding the November 4, 2017 Special City Council Meeting. She stated that the minutes state that she was part of the meeting and she was not. She said there are questions as to whether the meeting was held in violation of the Open Meetings Act and she has filed a complaint with the District Attorney's Office. Council Member Mitchell withdrew his motion.

Council Member Mitchell moved to approve the minutes of the October 4, 2017 Regular City Council Meeting and the October 17, 2017 Regular City Council Meeting. Council Member Arabie seconded the motion. All votes aye with Council Member Tenorio abstaining. Motion carried 6-0.

Mayor Webster brought forward Item No. 3 for discussion. Council Member Mitchell moved to approve the minutes of the November 4, 2017 Special City Council Meeting. Council Member Arabie seconded the motion.

There was discussion on the motion. Council Member Tenorio stated she would like it recorded that the state open meetings act requires three people be in the meeting or rather four people be in the meeting room when the meeting is conveyed; that was not the case. Mayor Webster asked City Attorney Frank Garza to speak to Council Member Tenorio's statement. City Attorney Frank Garza stated that the majority of the Council constitutes a quorum, rather than a specific number of members. He stated that there are three specific violations of the Open Meetings Act that are criminal violations. One is to hold a meeting without proper notice, which this meeting was properly noticed 72 hours in advance. The second is to hold a meeting with less than a quorum in secret deliberations, which this meeting was held in front of the general public as well as being televised. The third would be an illegal release of a certified agenda or recording of an executive session. Mr. Garza continued that there are civil penalties for action taken by a council with less than a quorum, which would require a cause of action or writ of mandamus to overturn that council action. He stated that there are two questions, one, did the meeting convene without a quorum, and two, did a meeting continue without a quorum. He stated that as long as when the vote was taken a quorum was present, the action cannot be overturned. Council Member Tenorio stated that the meeting commenced without a quorum. Mayor Webster stated that the minutes correctly reflect the discussion that occurred related to Council Member Tenorio's absence, and he said she fled the meeting to prevent the quorum. Council Member Tenorio stated that Mayor Webster did not conduct the meeting on time, and that he chose not to conduct the meeting while quorum was present.

All votes aye with Council Member Tenorio abstaining. Motion carried 6-0.

III. Citizen Comment Period with City Council

Mayor Webster opened citizen comments at 6:20 p.m.

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Tony Spano spoke on behalf of Bigelow Homes. He stated on behalf of the business community, he is grateful for the work that the council does. He thanked the council members who will be completing their service, and the new council.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 6:22 p.m.

IV. Recognition

4. Recognition of Outgoing Council Members. ~ *R. Todd Webster, Mayor*

Mayor Webster recognized Council Member Selbera and Council Member Wilson for their many years of public service to the citizens of Kyle.

Mayor Webster spoke about his pride in the City, his appreciation for City Staff, and the positive election that was had by the incoming council members.

V. ADJOURN

Council Member Wilson moved to adjourn. Council Member Selbera seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 6:34 p.m.

Attest:

Travis Mitchell, Mayor

Jennifer A. Vetrano, City Secretary