

City Council Meeting Minutes

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

Mayor Travis Mitchell
Council Member Dex Ellison
Council Member Tracy Scheel
Council Member Shane Arabie
Council Member Alex Villalobos
Council Member Damon Fogley
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
Kathy Roecker, SWMP Administrator
Diana Torres, Economic Dev Director
Matt Dawson, IT Director
Paul Phelan, Library Director
Kerry Urbanowicz, PARD Director
Howard Koontz, Community Dev Director
Tracy Vrana, Police Sergeant

Christopher Harrell
Todd Uhlman
Kharley Smith
Asifali Karowalia

I. Call Meeting To Order

Mayor Mitchell called the meeting to order at 7:30 p.m. Mayor Mitchell asked the secretary to call roll.

Present were: Mayor Mitchell, Council Member Ellison, Council Member Scheel, Mayor Pro Tem Arabie, Council Member Villalobos, and Council Member Tenorio. A quorum was present.

II. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:31 p.m.

Christopher Harrell was called to speak as registered in opposition of Item No. 25. He spoke about planning for the increase in traffic. He stated that Windy Hill Road is not capable of handling a fraction of the traffic that retail would bring.

Todd Uhlman was called to speak as registered in opposition of Item No. 25. He stated that the comprehensive plan is the backdrop of his comments. He mentioned that this zoning change does not agree with the second and third whereas statements because he does not believe this is being done in an orderly manner, and he thinks the zoning change will make residents less secure

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 2

Kyle City Hall

from fire, panic and other dangers, and will create undue concentration of populations and weaken the provisions of transportation, water, sewers, schools, parks and other public requirements. Mr. Uhlman continued, stating the rezoning will lower property values and may stifle growth by discouraging future development in the area. They have experienced a lack of police presence, although he thanked Chief Barnett for his work to try to assist in that effort. He spoke of the published notice in the newspaper and also the posting of the agenda around a holiday. He requested Council table this item indefinitely.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Mitchell closed citizen comments at 7:39 p.m.

III. Appointments

1. Consider nomination(s) for election of Mayor Pro Tem. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 1 for discussion. Council Member Fogley nominated Mayor Pro Tem Arabie.

Council Member Fogley moved to appoint Mayor Pro Tem Arabie as Mayor Pro Tem for 2017-2018. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

2. Consider nominations for reappointments to the Parks and Recreation Board. ~ *Kerry Urbanowicz, Director of Parks and Recreation*
 - Scott Stoker, Seat 1 (re-appointment)
 - Travis Upchurch, Seat 7 (re-appointment)

Mayor Mitchell brought forward Item No. 2 for discussion. Mr. Urbanowicz presented the item.

Council Member Tenorio moved to approve the reappointments of Scott Stoker to Seat 1 and Travis Upchurch to Seat 7 of the Parks and Recreation Board. Council Member Scheel seconded the motion.

There was discussion on the motion. Mayor Pro Tem Arabie spoke to Mr. Stoker's service, and was in favor of his reappointment.

All votes aye; motion carried 7-0.

3. Consider nominations for appointment to the Economic Development & Tourism board to fill vacant seats. ~ *Diana Torres, Director of Economic Development*
 - Al Mata - Seat 3
 - Julie Albertson - Citizen Seat

Mayor Mitchell brought forward Item No. 3 for discussion. Ms. Torres presented the item.

Council Member Tenorio requested to vote on the appointments separately.

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 3

Kyle City Hall

Council Member Tenorio moved to approve the appointment of Al Mata to Seat 3 of the Economic Development & Tourism Board. Council Member Fogley seconded the motion. All votes aye; motion carried 7-0.

Mayor Pro Tem Arabie moved to approve the appointment of Julie Albertson to Citizen Seat of the Economic Development & Tourism Board. Council Member Fogley seconded the motion.

There was discussion on the motion. Council Member Fogley expressed support for Ms. Albertson, and stated that she will have the opportunity to recuse herself if necessary. Mayor Mitchell stated his support, saying that he did not want to discourage participation on a board. Mayor Pro Tem Arabie expressed his support as well. Ms. Torres stated that the expertise of the nominees would serve the board well. Council Member Tenorio called for the vote.

Mayor Mitchell requested a roll call vote. Council Member Scheel voted aye, Council Member Fogley voted aye, Mayor Pro Tem Arabie voted aye, Mayor Mitchell voted aye, Council Member Ellison voted aye, Council Member Tenorio voted nay, and Council Member Villalobos voted nay. Motion carried 5-2.

4. Consider appointment of one member of the Kyle City Council to the Executive Board of the Combined Emergency Communications Center. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 4 for discussion. Mr. Sellers presented the item.

Council Member Tenorio moved to appoint Council Member Fogley of the Kyle City Council to the Executive Board of the Combined Emergency Communications Center. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

5. A Resolution of the City of Kyle, Texas, Casting and Defining Jurisdictional Votes by the City for the Official Ballot for Election of the 2018-2019 Hays Central Appraisal District Board of Directors. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 5 for discussion. Mr. Sellers presented the item.

Mayor Pro Tem Arabie moved to allocate 255 votes to Rick Koch for the 2018-2019 Hays Central Appraisal District Board of Directors. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

6. Appoint nominee for position on City of Kyle Ethics Commission. ~ *Daphne Tenorio, Council Member*
 - Nancy Fahy

Mayor Mitchell brought forward Item No. 6 for discussion and gave the floor to Council Member Tenorio who presented the item.

Council Member Tenorio moved to approve the appointment of Nancy Fahy to the City of Kyle Ethics Commission. Council Member Fogley seconded the motion.

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 4

Kyle City Hall

There was discussion on the motion. Mayor Pro Tem Arabie stated his opposition for the appointment.

Mayor Mitchell requested a roll call vote. Mayor Mitchell voted aye, Council Member Ellison voted aye, Council Member Scheel voted aye, Council Member Villalobos voted aye, Council Member Tenorio voted aye, Council Member Fogley voted aye, and Mayor Pro Tem Arabie voted nay. Motion carried 6-1.

IV. Consider and Possible Action

7. A Resolution of the City of Kyle, Texas, amending the City of Kyle Rules of City Council, providing for meetings, agenda, council proceedings, parliamentary procedure, debate, decorum, and citizen participation at meetings; making findings of fact; and providing for related matters. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 7 for discussion.

Mayor Mitchell moved to approve a Resolution of the City of Kyle, Texas, amending the City of Kyle Rules of City Council, providing for meetings, agenda, council proceedings, parliamentary procedure, debate, decorum, and citizen participation at meetings; making findings of fact; and providing for related matters. Mayor Pro Tem Arabie seconded the motion. Motion carried 6-1 with Council Member Tenorio dissenting.

V. Consent Agenda

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. Council Member Tenorio requested to pull Item No. 9. With no objections, Mayor Mitchell brought forward Item Nos. 8 and 10 through 21.

8. Authorize award and execution of a Purchase Order to PYRO SHOWS OF TEXAS, INC., Fort Worth, Texas, in an amount not to exceed \$22,000.00 for the 2018 July 4th Fireworks show. ~ *Kerry Urbanowicz, Director of Parks and Recreation*
10. A Resolution of the City Council of the City of Kyle, Texas, authorizing the acceptance of a one year grant in the amount of \$42,468.80 from the U.S. department of justice, office of justice programs, office of juvenile Justice and Delinquency Prevention for the purpose of funding the Kyle Police Department's Juvenile Justice Officer full-time position for Fiscal Year 2017-2018; authorizing and providing matching funds in an amount not to exceed \$30,298.00 from the Kyle Police Department's approved budget for Fiscal Year 2017-2018; authorizing the city manager to take all necessary action on behalf of the City Council; making such other findings and provisions related hereto; and providing for an effective date. ~ *Jeff Barnett, Chief of Police*
11. *(First Reading)* An Ordinance regulating traffic, authorizing and directing the installation and erection of STOP signs for traffic control at the intersections of Autumn Sage Parkway and Camelia Parkway; Downing Way and Waterloo Drive; Downing Way and

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 5

Kyle City Hall

Kensington Boulevard; Brandi Circle and Hallie Drive; Brent Boulevard and Philomena Drive; Dacy Lane and Bunton Creek Road; Lehman Road and Bunton Creek Road; in the city limits of Kyle. ~ *Leon Barba, P.E., City Engineer*

12. Approve contract Task Order No. 1 to CP&Y, INC., Austin, Texas, in an amount not to exceed \$53,928.50 for the purpose of providing preliminary engineering services for evaluating the existing Indian Paintbrush Lift Station. ~ *Leon Barba, P.E., City Engineer*
13. Approve contract Task Order No. 2 to CP&Y, INC., Austin, Texas, in an amount not to exceed \$52,181.50 for the purpose of providing preliminary engineering services for evaluating and recommending an alignment for the North Trails Wastewater Interceptor Improvements. ~ *Leon Barba, P.E., City Engineer*
14. Authorize the City Manager to enter into an agreement with STARLIGHT HOMES TEXAS, LLC., in an amount not to exceed \$145,380.00 for constructing a portion of the Bunton Creek Wastewater Interceptor/Reclaimed Waterline Improvements. ~ *Leon Barba, P.E., City Engineer*
15. (First Reading) An Ordinance regulating traffic, authorizing and directing the installation and erection of signals for the traffic control at the intersections of Philomena Drive and Bunton Creek Road, and Philomena Drive and Kyle Parkway in the City limits of Kyle. ~ *Leon Barba, P.E., City Engineer*
16. (First Reading) An Ordinance regulating traffic, authorizing and directing the installation and erection of no truck signs on Kyle Crossing from Kohlers Crossing to Vista Ridge Drive; in the city limits of Kyle; repealing any ordinance or resolution in conflict; providing a severability clause; declaring a penalty; and providing an effective date. ~ *Leon Barba, P.E., City Engineer*
17. A Resolution of the City Council of the City of Kyle, Texas accepting the Bunton Creek, Phase 2B 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*
18. Authorize Execution of an Interlocal Agreement between Hays County and the City of Kyle for the Acceptance of \$35,000.00 to supplement funding for the Kyle Public Library during Fiscal Year 2017-18. ~ *Paul Phelan, Library Director*
19. Authorize the City Manager to accept a grant in the amount of \$16,122.00 from the Ladd and Katherine Hancher Library Foundation for the purchase of (7) children's learning stations for the Kyle Public Library. ~ *Paul Phelan, Library Director*
20. Authorize a purchase order to AWE LEARNING, Chester, PA in an amount not to exceed \$16,122.00 for the purchase of (7) children's literacy stations for the Kyle Public Library. ~ *Paul Phelan, Library Director*

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 6

Kyle City Hall

21. Plum Creek Phase II, Northwest Business Park (FP-17-011) 3.551 acres; 1 commercial lot located on the northeast corner of Kohler's Crossing and FM 2770. ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 7-0 to recommend approval.

Council Member Tenorio moved to approve Consent Agenda Item Nos. 8 and 10 through 21. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

Later in the meeting Mayor Mitchell asked if there were any objections to having Item Nos. 10, 15, and 17 finally passed. There were no objections.

VI. Consider and Possible Action

22. Authorize the City Manager to enter into an Interlocal Funding Agreement between the City of Kyle, Texas and Hays County, Texas, to provide funding in the amount of \$14,999.00 for a newly created Planner position within the Hays County Office of Emergency Services Department. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 22 for discussion out of order with no objections. Mr. Sellers introduced Kharley Smith, Hays County Emergency Services Director, who presented the item. Mr. Sellers summarized the City's participation.

Council Member Tenorio moved to authorize the City Manager to enter into an Interlocal Funding Agreement between the City of Kyle, Texas and Hays County, Texas, to provide funding in the amount of \$14,999.00 for a newly created Planner position within the Hays County Office of Emergency Services Department. Council Member Fogley seconded the motion. All votes aye; motion carried 7-0.

9. (*Second Reading*) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately .13 acres of land from Single Family Residential 'R-1' to Central Business District-2 'CBD-2' for property located at 201 Miller Street. (Comanche ASH Three, LLC. Z-17-018) ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 7-0 to recommend approval of the request.
City Council voted 6-0 to approve the Ordinance on First Reading.

Mayor Mitchell brought forward Item No. 9 and recognized Council Member Tenorio who pulled the item. She asked why this item was on Consent, while another second reading was not. Mayor Mitchell explained his reasoning for including this item on Consent. Council Member Tenorio then requested a presentation. Mr. Koontz presented the item.

Mayor Pro Tem Arabie moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately .13 acres of land from Single Family Residential 'R-1' to Central Business District-2 'CBD-2' for property located at 201 Miller Street. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 7

Kyle City Hall

23. Consider and possible action to approve a request for the CAMPO 2019-2022 Project Call. ~ *J. Scott Sellers, City Manager*

- Center Street rail siding relocation \$14.9 million
- Burleson \$9 million
- Lehman \$8 million
- Kyle Crossing \$1.3 million
- Post Road \$2.5 million

Mayor Mitchell moved to postpone Item No. 23 until the December 5, 2017 council meeting. Mayor Pro Tem Arabie seconded the motion. All votes aye; motion carried 7-0.

24. *(Second Reading)* An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.407 acres of land from Single Family Residential 'R-1' to Single Family Residential-3 'R-1-3' for property located at 300 W. Allen Street, in Hays County, Texas. (Angel and Dalila Rangel Z-17-017) ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-2 to recommend approval of the request.
City Council voted 6-0 to approve the Ordinance on First Reading.

Mayor Mitchell brought forward Item No. 24 for discussion. Mr. Koontz presented the item.

Mayor Pro Tem Arabie moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.407 acres of land from Single Family Residential 'R-1' to Single Family Residential-3 'R-1-3' for property located at 300 W. Allen Street, in Hays County, Texas. Council Member Scheel seconded the motion. Motion carried 5-2 with Council Members Ellison and Tenorio dissenting.

25. *(First Reading)* An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.082 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1049 Windy Hill Road and to assign original zoning to approximately 5.533 acres of land from Agriculture 'AG' to Multi-Family Residential-3 'R-3-3' for properties located at 1001, 1003 and 1049 Windy Hill Road, in Hays County, Texas. (Asifali Karowalia - Z-17-019) ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 4-2 to recommend approval for a more restrictive zoning district of R-3-2 and R/S, adjusting the R-3-2 district to 5.714 acres and reducing the R/S district to 0.901 acres.

- Public Hearing

Mayor Mitchell brought forward Item No. 25 for discussion. Mr. Koontz presented the item. Mr. Sellers addressed Mayor Mitchell's question related to Windy Hill on the CIP list. Mayor Mitchell asked Mr. Garza, City Attorney, about whether the developer would have the vested rights. Mr. Garza stated he would need time for research on whether the zoning would be for the applicant requested zoning, or the whether the City could provide the zoning that it saw most appropriate while still meeting the specifications of the project.

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 8

Kyle City Hall

Mayor Mitchell opened the public hearing at 8:50 p.m.

Todd Uhlman was called to speak. He asked the City Attorney whether the matter of not having a completed application due to it not having been a requirement of the county would defer the project back to the original permits as the initial application for zoning, and if so, what was the date of the annexation and the date the city initiated annexation proceedings. Mr. Garza stated that law provides 90 days to annex, and because the annexation took place in 2013, 90 days prior would be the earliest proceedings would have taken place.

The applicant, Asifali Karowalia, made himself available to Council. Mayor Mitchell stated he would give the applicant an opportunity to speak after the public hearing.

With no one else wishing to speak, and no objections to closing the public hearing, Mayor Mitchell closed the public hearing at 8:53 p.m. Mayor Mitchell reopened the public hearing in anticipation of the item being tabled to a future council meeting.

Mr. Karowalia described the process that he had gone through with the county before the annexation took place. Mayor Pro Tem Arabie asked whether he is currently on City wastewater. Mr. Karowalia stated no. Mayor Pro Tem Arabie asked whether there has been a drainage/stormwater plan created for the property. Mr. Karowalia stated no, but there is space left for detention.

Council Member Tenorio moved to table Item No. 25 until the December 5, 2017 Council meeting. Council Member Fogley seconded the motion.

There was discussion on the motion. Council Member Tenorio added direction to keep the public hearing open, seconded by Council Member Fogley.

All votes aye; motion carried 7-0.

26. (First Reading) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 0.76 acres of land from Retail Service District 'RS' to Community Commercial 'CC' for property located at 301 Rebel Drive, in Hays County, Texas. (Jose and Maria Diocares - Z-17-020) ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 6-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell brought forward Item No. 26 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 9:06 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Mitchell closed the public hearing at 9:06 p.m.

Council Member Tenorio moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 0.76 acres of land from Retail Service District 'RS' to Community Commercial 'CC' for property located at 301 Rebel Drive, in

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 9

Kyle City Hall

Hays County, Texas. Council Member Fogley seconded the motion. All votes aye; motion carried 7-0. There were no objections to having the ordinance finally passed.

27. (First Reading) An Ordinance of the City Council of the City of Kyle, Texas to amend the city's official code of ordinances, to create the mixed-use (MXD) zoning category; establishing a purpose and findings; prescribing allowable uses and structures in the district; prohibiting certain incompatible land uses and structures; establishing allowances for certain accessory uses and structures; establishing lot and building regulations; defining certain conditions and limitations within the district; presenting site development regulations; establishing parking and lighting requirements. ~Howard J. Koontz, *Director of Planning and Community Development*
Planning and Zoning Commission voted 7-0 to recommend approval.

- Public Hearing

Mayor Mitchell brought forward Item No. 27 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 9:15 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Mitchell closed the public hearing at 9:15 p.m.

Council Member Tenorio moved to approve an Ordinance of the City Council of the City of Kyle, Texas to amend the city's official code of ordinances, to create the mixed-use (MXD) zoning category; establishing a purpose and findings; prescribing allowable uses and structures in the district; prohibiting certain incompatible land uses and structures; establishing allowances for certain accessory uses and structures; establishing lot and building regulations; defining certain conditions and limitations within the district; presenting site development regulations; establishing parking and lighting requirements. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0. There were no objections to having the ordinance finally passed.

Mayor Mitchell asked if there were any objections to having Items 10, 15, and 17 finally passed. There were none.

28. Approve Change Order No. 1 to VIKING CONSTRUCTION, INC., Georgetown, Texas, in an amount of \$32,263.75 for a total contract amount not to exceed \$501,019.02 for additional resurfacing as part of the 2017 Miscellaneous Streets Micro-Surfacing Project. ~Leon Barba, P.E., *City Engineer*

Mayor Mitchell brought forward Item No. 28 for discussion. Mr. Barba presented the item.

Council Member Tenorio moved to approve Change Order No. 1 to Viking Construction, Inc., Georgetown, Texas, in an amount of \$32,263.75 for a total contract amount not to exceed \$501,019.02 for additional resurfacing as part of the 2017 Miscellaneous Streets Micro-Surfacing Project. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 10

Kyle City Hall

29. Consider and possible action to issue a Request for Qualifications for legal services.
~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 29 for discussion.

Mayor Mitchell moved to direct staff to issue a Request for Qualifications for legal services. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

30. Update on TML Conference. ~ *Daphne Tenorio, Council Member*

Mayor Mitchell brought forward Item No. 30 for discussion and gave the floor to Council Member Tenorio. She presented an update. No action was taken.

31. Discussion concerning Community Development Block Grants "CDBG" Funding.
~ *Daphne Tenorio, Council Member*

Mayor Mitchell brought forward Item No. 31 for discussion and gave the floor to Council Member Tenorio. She presented the item.

Mayor Pro Tem Arabie asked Mr. Sellers' opinion on the Main Street Program. Mr. Sellers presented on his experience with CDBG and the Main Street Program. Council Member Tenorio asked Mr. Sellers about the Home Program. He stated that our census block shows our community as too wealthy to receive those funds. Council Member Tenorio presented more on the Home Program. Council Member Fogley asked whether someone from the MPA program could possibly work on. Mr. Sellers stated that someone must oversee the project from start to finish, but perhaps an MPA student could help with the application and reporting. No action was taken.

32. Discussion regarding the process for approving development agreements. ~ *Daphne Tenorio, Council Member*

Mayor Mitchell brought forward Item No. 32 for discussion and gave the floor to Council Member Tenorio who presented the item. Mr. Sellers described the Development Agreement process. No action was taken.

VII. City Manager's Report

33. 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*

Mr. Sellers proposed Council cancel the December 19, 2017 council meeting. He stated there are no public hearings scheduled or deadlines at this time. He invited everyone to the City's Tree Lighting Ceremony on Wednesday November 29, 2017. He reminded everyone that City Hall would be closed Thursday and Friday for Thanksgiving holidays.

VIII Executive Session

34. 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.
 - Erlinda Tenorio and Abel Tenorio vs. The City of Kyle, Texas and Union Pacific Railroad Company
 - Legal advice regarding Creekside Village
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
4. Economic Development negotiations pursuant to Section 551.087.
 - Project Ollie

Mayor Mitchell brought forward Item No. 34, and stated that Council would not convene on Project Ollie.

Council Member Tenorio moved to convene into Executive Session pursuant to Section 551.071: Erlinda Tenorio and Abel Tenorio vs. The City of Kyle, Texas and Union Pacific Railroad Company and Legal advice regarding Creekside Village. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

The City Council convened into executive session at 9:41 p.m.

35. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into Open Session. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 10:36 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

IX. Consider and Possible Action

36. A Resolution of the City Council of the City of Kyle, Texas accepting the Creekside Village Section 3 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

Mayor Mitchell brought forward Item No. 36 for discussion.

CITY COUNCIL MEETING MINUTES

November 21, 2017 – Page 12

Kyle City Hall

Mayor Mitchell moved to postpone a Resolution of the City Council of the City of Kyle, Texas accepting the Creekside Village Section 3 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. Mayor Pro Tem Arabie seconded the motion. All votes aye; motion carried 7-0.

X. ADJOURN

Mayor Mitchell moved to adjourn. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 10:37 p.m.

Attest:

Travis Mitchell, Mayor

Jennifer A. Vetrano, City Secretary