

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on November 15, 2016 at Kyle City Hall with the following persons present:

Mayor Todd Webster  
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  
Lea Ream, City Attorney  
Bryan Korri, Assistant City Attorney  
Meghan Murphy, KAYAC  
Jerry Hendrix, Chief of Staff  
Jennifer Vetrano, City Secretary  
Leon Barba, City Engineer  
Kathy Roecker, SWMPA  
Diana Torres, Economic Dev Director  
Perwez Moheet, Finance Director  
Danielle Harvey, IT Technician  
Marco Forte, IT Technician  
Paul Phelan, Library Director  
Kerry Urbanowicz, PARD Director  
Howard Koontz, Community Dev Director  
Jeff Barnett, Chief of Police  
Pedro Hernandez, Police Captain  
Harper Wilder, Director of Public Works

John Stirling, Jr.  
Raymond Hodson  
Julie Snyder  
Vanessa Strikes  
Thomas Ankers

### I. Call Meeting To Order

Mayor Webster called the meeting to order at 7:02 p.m. Mayor Webster asked the secretary to call roll.

Present were Mayor Webster, Council Member Mitchell, Council Member Selbera, Council Member Arabie, Council Member Wilson, Mayor Pro Tem Fogley, and Council Member Tenorio.

A quorum was present.

### II. Approval of minutes

1. City Council Regular Meeting Minutes - November 1, 2016. ~ Jennifer Vetrano, City Secretary  
Item No. 1 Attachments

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Mayor Webster brought forward Item No. 1. Council Member Tenorio moved to approve the City Council Regular Meeting Minutes for November 1, 2016. Council Member Wilson seconded the motion. All votes aye; motion carried 7-0.

### III. Citizen Comment Period with City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

Mayor Webster opened citizen comments at 7:03 p.m.

John Stirling, Jr. was called to speak on the Storm Drainage and Flood Mitigation item. He asked why there is a fee rather than rolling it into the property taxes. He stated it may be a disincentive for businesses to locate here. Mr. Stirling noted that the manager position was already posted and filled, so they must be expecting this item to be approved.

Raymond Hodson was called to speak. He too spoke about the Storm Drainage and Flood Mitigation item. He stated that some in the community are stretched very thin as far as being able to pay the new fee. He asked Council to make sure it is a fair and equitable fee.

Julie Snyder spoke on behalf of the Rotary Club. They are having Kyle's very first Wine and Food Festival this Saturday. This will be the first competition in Texas, and there are already over 200 entries. She invited Council to come. She stated there will also be a silent auction.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:11 p.m.

### IV. Presentation

2. Progress report on all five road bond projects including latest project cost estimates.  
~ Leon Barba, P.E., City Engineer  
Item No. 2 Cover Sheet

Mayor Webster brought forward Item No. 2 for discussion. Mr. Barba presented the item. No action was taken.

3. Presentation by Goodwill Industries of Central Texas. ~ Damon Fogley, Mayor Pro Tem  
Item No. 3 Cover Sheet

Mayor Webster brought forward Item No. 3 for discussion. Mayor Pro Tem Fogley was given the floor. He introduced Vanessa Strikes of Goodwill Central Texas. She gave an overview of the company. She spoke about the various programs and services that Goodwill provides, including the very first Texas Charter School for people up to the age of 50 to earn their high school diploma. Ms. Strikes closed by stating their store will be opening on December 1st here in Kyle. No action was taken.

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### V. Appointments

4. Consider nomination(s) and take possible action for appointments to the Library Board to fill vacancies. ~ Paul Phelan, Director of Library Services

- Elizabeth Corey, Reappointment
- Daniel Owings, New Appointment

Item No. 4 Attachments

Mayor Webster brought forward Item No. 4 for discussion. Mr. Phelan presented the item.

Council Member Tenorio moved to approve the appointments of Elizabeth Corey and Daniel Owings to the Library Board to fill vacancies. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

### VI. Consent Agenda

Mayor Webster asked if there were any items to be pulled from the Consent Agenda. Council Member Tenorio pulled Item No. 9. With no objections, Mayor Webster brought forward Item Nos. 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, and 17.

5. Authorize execution of an annual professional services agreement with CATALYST COMMERCIAL, INC., Dallas, Texas, in an amount not to exceed \$24,000.00 to provide services related to developing commercial retail growth and recruitment strategies in the City of Kyle for the FY 2016-2017. ~ Diana Torres, Director of Economic Development  
Item No. 5 Attachments
6. Approve a Resolution establishing the date for a public hearing to be held on January 3, 2017, as required under Chapter 395 of the Texas Local Government Code, to consider, discuss, and review the update to the water and wastewater land use assumptions, water and wastewater capital improvements plan, and imposition of updated water and wastewater impact fee amounts. ~ Perwez A. Moheet, CPA, Director of Finance  
Item No. 6 Attachments
7. (Second Reading) An Ordinance of the City of Kyle, Texas, declaring a public necessity for the acquisition of fee simple title and/or permanent easement(s) and/or temporary construction easement(s) to all or portions of certain privately owned real property for the Burleson Street Road and Drainage Improvement Project in Hays County, Texas listed as follows: (1) 1.212 acres or 52,773 square feet of land, more or less, out of the Z. Hinton Survey, Abstract No. 220, and being a portion of that tract described as 18.5754 acres in a deed to James Mattox, Trustee, of record in Volume 1361, Page 154, Official Public Records, Hays County, Texas; (2) 0.1569 of one acre or 6,833 square feet of land, more or less, out of the Z. Hinton Survey, Abstract No. 220, and being a portion of that tract described as 18.5754 acres in a deed to James Mattox, Trustee, of record in Volume 1361, Page 154, Official Public Records, Hays County, Texas, and; (3) 0.0403 of one acre or 1,757 square feet of land, more or less, out of the Z. Hinton Survey, Abstract No. 220, and being a portion of that tract described as 18.5754 acres in a deed to James A. Mattox, Trustee, of record in Volume 1361, page 154, Official Public Records, Hays County, Texas; save and except any oil, gas, or other minerals in, on or under or produced from said property, which may be removed from beneath said property without

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any right whatsoever remaining to the owner(s) of said oil, gas or other minerals of ingress or egress to or from the surface of said property for the purpose of exploring, developing, drilling, or mining of same, and save and except any subsurface water rights in and to the property together with any and all appurtenant water rights without any right whatsoever remaining to the owner(s) of said water rights of ingress or egress to or from the surface of said property, for the purpose of exploring, developing, drilling or production of same. For the public purpose of construction, operation, reconstruction, improvements, repair and maintenance, of the Burleson Street Road and Drainage and Improvement Project; authorizing all appropriate action of the City in the institution and prosecution of condemnation proceedings to acquire such property that cannot be acquired through negotiation; ratifying and affirming all prior acts and proceedings done or initiated by attorneys, agents and employees of the city to acquire such property; authorizing all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define , appraise, and secure the necessary fee simple titles and/or permanent easement(s) and/or temporary construction easement(s) to said privately owned real property; and declaring the sections of the ordinance to be severable one from the other in the event any section of this ordinance is determined to be invalid. ~ Leon Barba, P.E., City Engineer

Item No. 7 Attachments

8. (Second Reading) An Ordinance regulating traffic, authorizing and directing the installation and erection of stop signs for the traffic control at the intersection of North Front Street and West Lockhart Street 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. ~ Harper Wilder, Public Works Director

Item No. 8 Attachments

10. Approve Contract Task Order No. 8 to NEPTUNE-WILKINSON ASSOCIATES, INC. Austin, Texas, in an amount not to exceed \$10,500.00 for the purpose of providing engineering services for preparation of construction plans for a gravity wastewater line to eliminate the Barton Middle School Lift Station. ~ Leon Barba, P.E., City Engineer

Item No. 10 Attachments

11. (First Reading) An Ordinance regulating traffic, authorizing and directing the installation and erection of yield signs for traffic control at the intersection of Cleveland and McGarity 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

Item No. 11 Attachments

12. Approve Plum Creek Phase 1, Section 6B-2 - Final Plat (FP-16-005) 2.319 acres; 24 lots located south of Hellman and east of FM 2770. ~ Howard J. Koontz, Director of Planning and Community Development

*Planning and Zoning Commission voted 6-0 to approve the final plat.*

Item No. 12 Attachments

13. Authorize the City Manager to execute a renewal of the existing Wholesale Water Supply Agreement with City of San Marcos. ~ Jason Biemer, Division Manager - Treatment Operations

Item No. 13 Attachments

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14. A Resolution of the City Council of the City of Kyle, Texas accepting the Hays Commerce Phase 1 and Phase 2A 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  
Item No. 14 Attachments
15. Approve a Purchase Order to BLUEBONNET MOTORS INC., New Braunfels, TX, a contracted member of the LCRA buy board contract #3286, in an amount not to exceed \$32,958.03 for the purchase of a new F150 4x4 work truck for the Public Works Department. ~ Harper Wilder, Director of Public Works  
Item No. 15 Attachments
16. Approve a Purchase Order to RDO EQUIPMENT COMPANY, Pflugerville, Texas, through the TASB buy board cooperative government pricing contract # 424- 13, in an amount not to exceed \$123,736.47 for the purchase of one 4x4 John Deere Backhoe with attachments for the Public Works Department. ~ Harper Wilder, Director of Public Works  
Item No. 16 Attachments
17. Approve contract Task Order No. 2 to LJA ENGINEERING, INC., Austin, Texas, in an amount not to exceed \$26,000.00 for the purpose of providing environmental services for the Bunton Creek Interceptor Phase 3.1/3.2 wastewater line from the Southlake Lift Station to the City Wastewater Treatment Plant. ~ Leon Barba, P.E., City Engineer  
Item No. 17 Attachments

Council Member Wilson moved to approve Consent Agenda Item Nos. 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, and 17. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

9. (Second Reading) An Ordinance amending the City's Approved Budget for Fiscal Year 2016-17 (Budget Amendment No. 1) by increasing total appropriations for expenditures in the City's General Fund by \$480,000 and decreasing fund balance in the General Fund by the same amount in order to provide interest-free cash financing to RSI, Inc., for fulfillment of their obligations under the Economic Incentives Agreement as approved by the City of Kyle. ~ Pervez A. Moheet, CPA, Director of Finance  
Item No. 9 Attachments

Council Member Mitchell moved to approve an Ordinance amending the City's Approved Budget for Fiscal Year 2016-17 (Budget Amendment No. 1) by increasing total appropriations for expenditures in the City's General Fund by \$480,000 and decreasing fund balance in the General Fund by the same amount in order to provide interest-free cash financing to RSI, Inc., for fulfillment of their obligations under the Economic Incentives Agreement as approved by the City of Kyle. Mayor Pro Tem Fogley seconded the motion. Motion carried 6-1 with Council Member Tenorio dissenting.

### VII. Consider and Possible Action

18. (Second Reading) An Ordinance amending Chapter 50 "Utilities", of the Code of Ordinances of the City of Kyle, Texas, by the addition of Article X, "Storm Drainage and Flood Risk Mitigation" to establish a municipal drainage utility system; providing for

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drainage service, billing, exemptions, drainage charges and appeals; providing a severability clause, providing a savings clause; providing for a penalty not to exceed the sum of two thousand dollars (\$2,000.00) per day per offense (or violation); and providing for an effective date. ~ Kathy Roecker, Stormwater Management Plan Administrator

- PUBLIC HEARING

Item No. 18 Attachments

Mayor Webster brought forward Item No. 18 for discussion. Ms. Roecker presented the item. She addressed the questions presented during citizen comments, stating that the reason it is a fee rather than a tax is because it is not based on the property value of a property, but rather its impact on the drainage system. Mayor Webster stated that this fee is a dedicated fee and can only be used for the established purposes. Ms. Roecker confirmed his statement is correct as per state statute. She continued that she is unaware of any positions posted, but she was hired in December 2015 as the Stormwater Management Plan Administrator, however that was to administer the municipal separate sewer system permit, which is an environmental program federally unfunded mandate. She stated that they did carefully consider the \$5.00 fee, however the fee is necessary to meet the tasks. Ms. Roecker recalled her previous presentation to Council which included a chart of Texas cities' drainage utility fees showing that \$5.00 is below average. Council Member Wilson stated that he would like it on the record about a calculation he and Ms. Roecker estimated for a property with active AG use with a small house and a considerable barn on 400 acres. Ms. Roecker stated that it would fall under the residential rate. She stated that if it was an undeveloped (no home on it) cattle property AG use, it would be exempt per state statute, and if it was a business it would fall under commercial. Council discussion continued.

Mayor Webster opened the public hearing at 8:04 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 8:05 p.m.

Council Member Mitchell moved to approve an Ordinance amending Chapter 50 "Utilities", of the Code of Ordinances of the City of Kyle, Texas, by the addition of Article X, "Storm Drainage and Flood Risk Mitigation" to establish a municipal drainage utility system; providing for drainage service, billing, exemptions, drainage charges and appeals; providing a severability clause, providing a savings clause; providing for a penalty not to exceed the sum of two thousand dollars (\$2,000.00) per day per offense (or violation); and providing for an effective date. Council Member Arabie seconded the motion.

Mayor Webster called for a roll call vote. Mayor Pro Tem Fogley voted aye, Council Member Tenorio voted nay, Council Member Arabie voted aye, Council Member Mitchell voted aye, Mayor Webster voted aye, Council Member Wilson voted aye, and Council Member Selbera voted aye. Motion carried 6-1.

19. A Resolution of the City of Kyle, Texas, approving and adopting an updated Parks and Recreation Master Plan. ~ Kerry Urbanowicz, Director of Parks, Recreation & Facilities  
Item No. 19 Attachments

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Council Member Tenorio moved to postpone a Resolution of the City of Kyle, Texas, approving and adopting an updated Parks and Recreation Master Plan. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

20. (First Reading) An Ordinance of the City of Kyle, Texas, annexing approximately 51.48 acres of land located in Hays County, Texas all of which are lying within the City's extraterritorial jurisdiction and to incorporate such property into the City of Kyle. ~ Howard J. Koontz, Director of Planning and Community Development  
Item No. 20 Attachments

Mayor Webster brought forward Item No. 20 for discussion. Mr. Koontz presented the item.

Council Member Wilson moved to approve an Ordinance of the City of Kyle, Texas, annexing approximately 51.48 acres of land located in Hays County, Texas all of which are lying within the City's extraterritorial jurisdiction and to incorporate such property into the City of Kyle. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

21. (First Reading) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 51.48 acres of land from Agriculture 'AG' to Plum Creek R-2 'Single Family' for property located south west of the intersection of FM 2770 and FM 1626, in Hays County, Texas (Lennar Homes of Texas Land Construction, Ltd. Z-16-008). ~ Howard J. Koontz, Director of Planning and Community Development  
*Planning and Zoning Commission voted 6-0 to recommend approval.*
- PUBLIC HEARING
- Item No. 21 Attachments

Mayor Webster brought forward Item No. 21 for discussion. Mr. Koontz presented the item. Council Member Tenorio moved to approve, but rescinded her motion due to the scheduled public hearing.

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

Council Member Tenorio moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 51.48 acres of land from Agriculture 'AG' to Plum Creek R-2 'Single Family' for property located south west of the intersection of FM 2770 and FM 1626, in Hays County, Texas. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

22. (First Reading) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 52.990 acres of land from Single Family Residential-2 'R-1-2' to Single Family Detached Residential 'R-1-A' for property located on the north side of Bebee Road, 1/4 mile west of Dacy Lane, In hays County, Texas. (The Meadows at Kyle II, Ltd. - Z16-009). ~ Howard J. Koontz, Director of Planning and Community Development

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*Planning and Zoning Commission voted to postpone until the December 13th meeting.*

- PUBLIC HEARING

Item No. 22 Attachments

Mayor Webster brought forward Item No. 22 for discussion. Council Member Tenorio stated she would like to postpone the item until after P&Z could hear the item.

Council Member Tenorio moved to postpone an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 52.990 acres of land from Single Family Residential-2 'R-1-2' to Single Family Detached Residential 'R-1-A' for property located on the north side of Bebee Road, 1/4 mile west of Dacy Lane, In hays County, Texas. Mayor Pro Tem Fogley seconded the motion.

There was discussion on the motion. Mayor Webster asked for the reason it is on the agenda. Mr. Koontz stated that the application was submitted and then staff was directed to create a text amendment to the R-1-A zoning district. He continued that upon hearing of the change of the allowable use and bulk standards of R-1-A, the applicant wanted to know what the result of that action will be before zoning to it. The applicant sought to stop the rezoning until the text amendment was finalized. The application had already been advertised, staff determined the best course of action was to continue with the process. Mr. Koontz stated that at the Planning and Zoning Commission meeting, the public hearing was opened, but not closed, and was postponed to December 13, 2016. The text amendment process begins on November 22, 2016, and will come to Council on December 6, 2016. Mr. Koontz concluded that the Planning and Zoning Commission accepted the applicants request to postpone. The public hearing will be held when the item is discussed.

All votes aye; motion carried 7-0.

23. A Resolution of the City Council of the City of Kyle, Texas accepting Meadows at Kyle Phase Six Subdivision; 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  
Item No. 23 Attachments

Mayor Webster brought forward Item No. 23 for discussion. Mr. Barba introduced Thomas Ankers, Land Development - D.R. Horton, America's Builder, who presented the item.

Council Member Tenorio moved to approve. Council Member Arabie had a question for the presenter. Council Member Tenorio rescinded her motion. Council Member Arabie asked about the Windy Hill portion that was also affected. Mr. Ankers stated that this section is the one that began today and is expected to take 10 days to complete. Council Member Arabie asked whether Hays County Commissioner Ingalsbe and Hays County are in agreement. Mr. Sellers described the agreement with the County.

Council Member Tenorio moved to approve a Resolution of the City Council of the City of Kyle, Texas accepting Meadows at Kyle Phase Six Subdivision; finding and determining that the

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meeting at which this Resolution is passed was noticed and is open to the Public as required by law. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

24. (Postponed) Discussion and possible action on Union Pacific Railroad siding relocation for preliminary engineering services in the amount of \$270,000. ~ Shane Arabie, Travis Mitchell and David Wilson, Council Members  
Item No. 24 Attachments

Mayor Webster brought forward Item No. 24 for discussion. Council Member Arabie was given the floor. He stated that he would like to see this project move forward and if there was no further discussion he would like to motion to approve. Council discussion began concerning the funding source.

Council Member Arabie moved to approve the execution of the commitment letter to Union Pacific and to designate the funding source as fund balance. Council Member Wilson seconded the motion.

Mayor Webster called for a roll call vote. Council Member Arabie voted aye, Mayor Webster voted aye, Mayor Pro Tem Fogley voted aye, Council Member Selbera voted aye, Council Member Wilson voted aye, Council Member Tenorio voted nay, and Council Member Mitchell voted aye. Motion carried 6-1.

25. Discussion and possible action on Kyle Housing Authority. ~ Todd Webster, Mayor  
Item No. 25 Cover Sheet

Mayor Webster brought forward Item No. 25 for discussion. He spoke about a letter he received from HUD a few weeks ago. He stated that the relationship to the city is that the Mayor unilaterally appoints members of the Housing Authority Board. He stated that board members are to serve two-year terms, but no appointments have been made since 2007. Mayor Webster stated that during an audit there were some concerns brought forward regarding the oversight and management of the Authority. The City is not responsible for the oversight of the Authority. He brought it before Council in order to find out if there is support for city staff financial advice, potential attorney time, and other support to the bridge the board over the transition period. He will be appointing a special task board to establish procedures and set up the organization, at which point they may determine whether to remain on the board or be replaced. The appointees will be Michelle Lopez, former City Council member; Daniel Harper, Vice Chancellor of Finance for Texas State University and former Director of the Senate Finance Committee; Lisa Adams who has run the hospice centers in Hays County and has much experience dealing with board structures; Veronica Sanders, a criminal defense attorney; and Claire Rodriguez, a long time resident and has a lot of experience from a mission standpoint from St. Anthony's. He also must appoint two members from the housing authorities themselves.

It was a consensus of Council to assist the Housing Authority with administrative assistance for a short period of time to get the organization moving in a positive direction.

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### VIII. City Manager's Report

26. 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

- Council Meeting scheduled for December 20, 2016
- Proposed Date for Council Retreat

Item No. 26 Cover Sheet

Mr. Sellers brought forward discussion on the regularly scheduled December 20, 2016 City Council meeting. Council Member Mitchell asked whether there are any businesses or applicants whose projects will be inhibited by not holding the meeting. He stated that if there was a situation like that he would object to cancelling the meeting. Mr. Sellers proposed the first weekend of January, 2017 – Friday or Saturday as the Council Retreat date. Council recommended Saturday, January 7, 2017 at 8:00 a.m.

### IX. Executive Session

27. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
  - Jesse Espinoza v. City of Kyle Texas, 16CV-1172RP
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
  - Annual performance evaluation and contract of City Manager, Scott Sellers
4. Economic Development negotiations pursuant to Section 551.087.
  - Project Sunset Orange
  - Project Cherry Red
  - Project Just Peachy

Item No. 27 Cover Sheet

Council Member Wilson moved to convene into executive session. 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 - Jesse Espinoza v. City of Kyle Texas, 16CV-1172RP; 3. Personnel matters pursuant to Section 551.074 - Annual performance evaluation and contract of City Manager, Scott Sellers; and 4. Economic Development negotiations pursuant to Section 551.087 - Project Sunset Orange, Project Cherry Red, and Project Just Peachy. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

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The City Council convened into Executive Session at 9:14 p.m.

28. Take action on items discussed in Executive Session.

Item No. 28 Cover Sheet

Council Member Tenorio moved to reconvene into open session. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into Open Session at 11:44 p.m. Mayor Webster announced that no action took place in Executive Session, and no action will be taken now.

X. ADJOURN

Council Member Tenorio moved to adjourn. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 11:43 p.m.

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R. Todd Webster, Mayor

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Attest: Jennifer A. Vetrano, City Secretary