

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on January 17, 2017 at Kyle City Hall with the following persons present:

Mayor Todd Webster	Alfred Zambrano
Mayor Pro Tem Damon Fogley	Gordon Wybo
Council Member Travis Mitchell	Lila Knight
Council Member Shane Arabie	Ryan Irion
Council Member David Wilson	Ward Davidson
Council Member Daphne Tenorio	Linda Tenorio
Scott Sellers, City Manager	Brian Ziegler
James Earp, Assistant City Manager	
Frank Garza, City Attorney	
Jerry Hendrix, Chief of Staff	
Grace Niño, Executive Assistant	
Leon Barba, City Engineer	
Kathy Roecker, SWMPA	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Kerry Urbanowicz, PARD Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Stephanie Robinson, Records Supervisor	
Jason Biemer, Div. Mgr. – Treatment Operations	

I. Call Meeting To Order

Mayor Webster called the meeting to order at 7:03 p.m. Mayor Webster asked the secretary to call roll.

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

II. Approval of minutes

1. City Council Regular Meeting Minutes - January 3, 2017. ~ *Jennifer Vetrano, City Secretary*
Item No. 1 Attachments

Mayor Webster brought forward Item No. 1.

Council Member Tenorio moved to approve City Council Regular Meeting Minutes - January 3, 2017. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

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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 7:04 p.m.

Jeff Barnett, Chief of Police, was called to speak. He introduced new Kyle Police Department staff members from the Records Division, Code Enforcement, Dispatch and Police Officers. He invited the Council to spend time with the staff at their leisure. Chief Barnett stated last year the Kyle Police Department hired 27 new employees, including all divisions and the Kyle Police Department is currently seeking to fill seven openings.

Alfred Zambrano, resident of Kyle at 205 N. Groos Street, was called to speak. He is concerned how the City will afford the \$196,000 City Manager salary as well as everything that comes with it. He stated that there are many city projects that are not completed and the bond packages are still being realized.

Gordon Wybo, resident of Kyle at 409 W. Center Street, was called to speak. He is disappointed in what is going on with the city. He stated that the city still needs to bring in industry that will lift the burden off the taxpayers and that there is no encouragement to bring small businesses to the city. He said that the city has yet to finish the bond projects on time and on budget. He stated the city needs to do something about the water treatment plant. He said that he does not agree that the City Manager get a congressional salary package.

Lila Knight, resident of Kyle at 1701 N. Burleson, was called to speak. She is against the City Manager contract. She stated that the City Manager is doing a fine job, but not fine enough for the compensation package that is being considered tonight. She expects the City Council to stay within the budget.

Ryan Irion was called to speak against Item No. 7. He is working on an apartment complex in Plum Creek. Their plat was submitted on November 17, 2016, and to date, no comments have been received. He stated under normal circumstances, their plat would have been recorded by now. He discussed some issues that his client and the City have been to working through. Mr. Irion continued that with the approval of Item No. 7, will be an impact of \$56,000 to his client. He feels that their plat should not be held up while the City is working out infrastructure issues while additional fees are being considered.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:17 p.m.

IV. Presentation

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

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

3. Presentation on Hays County Hazard Mitigation Plan Update. ~ *Kathy Roecker, Stormwater Management Plan Administrator*
Item No. 3 Attachments

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

V. Consent Agenda

Mayor Webster asked if there were any items to be pulled from the Consent Agenda. Mayor Webster pulled Item No. 7. Council Member Arabie pulled Item Nos. 5 and 6. Council Member Tenorio pulled Item Nos. 4, 8, and 12. With no objections, Mayor Webster brought forward Item Nos. 9, 10, 11, 13, and 14.

9. Statutorily disapprove Plum Creek Phase 2, Section 1 - Final Plat (FP-16-015) 89-739 acres; 312 single family, 1 school, 1 amenity, 2 open space and 7 easement lots located on the northeast corner of Kohlers' Crossing and FM 2770. ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-0 to statutorily disapprove the final plat to meet the 30 day statutory requirement.
Item No. 9 Cover Sheet
10. Statutorily disapprove Plum Creek Phase 1, Section 6B-3 - Final Plat (FP-17-001) 2.848 acres; 20 residential lots located immediately south of Hellman and east of FM 2770. ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-0 to statutorily disapprove to meet the 30 day statutory requirement.
Item No. 10 Cover Sheet
11. Approve a Resolution ratifying the authorization for the submission of a reimbursement grant application to the Office of the Governor, Criminal Justice Division, for the purpose of funding Texas Conversion to the National Incident Based Reporting System for the Fiscal Year 2017. ~ *Jeff Barnett, Chief of Police*
Item No. 11 Attachments
13. Authorize the disposal of expired bullet resistant vests, having no current value or use, from the police department's inventory. ~ *Jeff Barnett, Chief of Police*
Item No. 13 Attachments
14. Declaring certain items from the Information Technology Department as surplus and also directing the appropriate city staff to advertise and sell the items in accordance with city policy. ~ *Jerry Hendrix, Chief of Staff*
Item No. 14 Attachments

Mayor Pro Tem Fogley moved to approve Consent Agenda Item Nos. 9, 10, 11, 13, and 14. Council Member Wilson seconded the motion. All votes aye; motion carried 6-0.

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4. Approve Change Order No. 1 to GUERRA UNDERGROUND, LLC, Austin, Texas, for the Tenorio Addition Wastewater System Rehabilitation Project, Phase One B in an amount not to exceed \$35,803.36 for a total contract amount not to exceed \$479,743.36 for additional labor and equipment caused by a restriction of work hours due to school related traffic. ~ *Leon Barba, P.E., City Engineer*
Item No. 4 Attachments

Mayor Webster brought forward Item No. 4 and gave the floor to Council Member Tenorio. City Engineer Leon Barba presented the item. Perwez Moheet, Director of Finance, explained that the project was originally funded by the 2008 bonds, but the funds from that source that were designated for this project have been depleted. The price negotiated in this item would come from the 2016-17 CIP budget of the wastewater utility. Mayor Webster asked what does the contract say, and what are the consequences if Council does not approve this change order. Mr. Sellers stated that staff opposed this change order; however, it became apparent that it was more cost effective to bring forward this change order than to hire a new contractor to complete the project. Mayor Webster asked if there were any objections to pending this item and move it to Executive Session for legal advice from the City Attorney. There was none.

5. Award a contract in an amount not to exceed \$179,500.00 to TRI-STATE COATINGS, Wadena, MN, lowest and most responsible bidder, to perform all work required for the Yarrington Rd. Tank, the FM 1626 Tank and on the Downtown Elevated Tank. ~ *Leon Barba, P. E., City Engineer*
Item No. 5 Attachments

Mayor Webster brought forward Item No. 5 and gave the floor to Council Member Arabie. He asked for the next two items he would like some history from Jason Biemer on the plans and how the City is rehabbing its infrastructure and maintaining. Jason Biemer, Division Manager – Treatment Operations, presented.

Council Member Arabie moved to approve a contract in an amount not to exceed \$179,500.00 to Tri-State Coatings, Wadena, MN, lowest and most responsible bidder, to perform all work required for the Yarrington Rd. Tank, the FM 1626 Tank and on the Downtown Elevated Tank. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

6. Award a contract in an amount not to exceed \$64,200.00 to TTE, LLC., Spicewood, TX, lowest and most responsible bidder, to perform all electrical work for installation of SCADA antenna and equipment installation and sunscreens at various locations. ~ *Leon Barba, P.E., City Engineer*
Item No. 6 Attachments

Mayor Webster brought forward Item No. 6 and gave the floor to Council Member Arabie. Mr. Biemer presented the item.

Council Member Arabie moved to approve a contract in an amount not to exceed \$64,200.00 to TTE, LLC., Spicewood, TX, lowest and most responsible bidder, to perform all electrical work

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for installation of SCADA antenna and equipment installation and sunscreens at various locations. Mayor Pro Tem Fogley seconded the motion.

There was discussion on the motion. Council Member Wilson thanked Council Member Arabie for pulling these items for discussion and explanation. Council Member Arabie stated that we have exemplary staff.

All votes aye; motion carried 6-0.

7. (Second Reading) An Ordinance adopting the land use assumptions, capital improvements plan, and establishing an updated water impact fee totaling \$3,535 per living unit equivalent (LUE) and an updated wastewater impact fee totaling \$2,826 per LUE, amending Ordinance No. 298-2, and establishing an effective date. ~ *Perwez A. Moheet, CPA, Director of Finance*
Item No. 7 Attachments

Mayor Webster brought forward Item No. 7 and stated that he pulled it at the request of the City Manager. Mr. Sellers addressed citizen comments and presented the item. City Attorney Frank Garza addressed a question about precedence.

Council Member Arabie moved to approve an Ordinance adopting the land use assumptions, capital improvements plan, and establishing an updated water impact fee totaling \$3,535 per living unit equivalent (LUE) and an updated wastewater impact fee totaling \$2,826 per LUE, amending Ordinance No. 298-2, and establishing an effective date. Council Member Wilson seconded the motion.

Mayor Webster requested a roll call vote. Council Member Mitchell voted aye, Council Member Tenorio voted nay, Council Member Arabie voted aye, Council Member Selbera was absent, Council Member Wilson voted aye, Mayor Pro Tem Fogley voted nay, and Mayor Webster voted aye. Motion carried 4-2.

8. (Second Reading) An Ordinance Amending the City of Kyle Code of Ordinances, Chapter 53, Zoning: specifically, Article I, Section 53-5 (Definitions); and Article II, Division 1, Section 53-33 (General Requirements and Limitations); and Article II, Divisions 2, 3, 4 and 5, as well as creating a new division and re-numbering existing divisions; and prior Ordinance 824 (Providing standards for determining a front wall for the purposes of establishing garage setback). ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 6-0 to recommend approval with the condition outlined in staff memo.
Item No. 8 Attachments

Mayor Webster brought forward Item No. 8 for discussion and gave Council Member Tenorio the floor. She asked Mr. Koontz about a time line she previously requested on this item at first reading. Mr. Koontz stated there is a joint City Council meeting with the Planning and Zoning

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Commission scheduled for January 24, 2017 regarding a mid-term update to the comprehensive plan.

Council Member Tenorio moved to approve an Ordinance Amending the City of Kyle Code of Ordinances, Chapter 53, Zoning: specifically, Article I, Section 53-5 (Definitions); and Article II, Division 1, Section 53-33 (General Requirements and Limitations); and Article II, Divisions 2, 3, 4 and 5, as well as creating a new division and re-numbering existing divisions; and prior Ordinance 824 (Providing standards for determining a front wall for the purposes of establishing garage setback). Mayor Pro Tem Fogley seconded the motion. Motion carried 5-1 with Council Member Mitchell dissenting.

12. Authorize the transfer of ownership of a 1988 GMC Armored Truck, VIN 1GDJ7D1F2JV508903, to the Pearsall Independent School District for the express purpose of law enforcement utilization. ~ *Jeff Barnett, Chief of Police*
Item No. 12 Attachments

Mayor Webster brought forward Item No. 12 for discussion and gave Council Member Tenorio the floor. She asked Chief Barnett why the item is not being sold. Chief Barnett explained that the Police Department acquired this vehicle from the Mesquite Police Department for free under a similar agreement as the one proposed in this item. The terms of that agreement stated that the City of Kyle could donate it to another department free of charge, or they would need to destroy it.

Council Member Tenorio moved to approve the transfer of ownership of a 1988 GMC Armored Truck, VIN 1GDJ7D1F2JV508903, to the Pearsall Independent School District for the express purpose of law enforcement utilization. Mayor Pro Tem Fogley seconded the motion.

There was discussion on the motion. Council Member Wilson asked how much City of Kyle has spent on this vehicle. Chief Barnett stated that they have bought new tires and batteries, spending several hundred dollars.

All votes aye; motion carried 6-0.

VI. Consider and Possible Action

15. [Postponed 1/3/2017] (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. (Sunset Hills) - Z16- 009). ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-0 to postpone recommendation until the February 14th P&Z meeting.

- PUBLIC HEARING

Item No. 15 Attachments

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Mayor Webster brought forward Item No. 15 for discussion. Mayor Webster previously opened the public hearing on January 3, 2017 at 8:12 p.m. He stated that the public hearing is still open. With no one wishing to speak, Mayor Webster left the public hearing open.

Mayor Webster moved to postpone Item No. 15 until February 21, 2017. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

16. [Postponed 1/3/2017] (First Reading) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 68.5 acres of land from Single Family Residential-2 "R-1-2" and rezone approximately 10.38 acres of land from Central Business District-1 "CBD-1" to Single Family Detached Residential "R-1-A" for property located on the west side of Scott Street at W. Third Street, in Hays County, Texas. (Blanton Family Limited Partnership - Z-16-010). ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-0 to postpone recommendation until the February 14th P&Z meeting.

- PUBLIC HEARING

Item No. 16 Attachments

Mayor Webster brought forward Item No. 16 for discussion. Mayor Webster previously opened the public hearing on January 3, 2017 at 8:13 p.m. He stated that the public hearing is still open. With no one wishing to speak, Mayor Webster left the public hearing open.

Mayor Webster moved to postpone Item No. 16 until February 21, 2017. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

17. [Postponed 1/3/2017] (First Reading) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 7.26 acres of land from Single Family Residential "R-1" to Single Family Detached Residential "R-1-A" for property located on the southwest corner of Zapata Street and W. Hays Street, in Hays County, Texas. (Thomas Kaminski - Z-16-011). ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 5-0 to postpone recommendation until the February 14th P&Z meeting.

- PUBLIC HEARING

Item No. 17 Attachments

Mayor Webster brought forward Item No. 17 for discussion. Mayor Webster previously opened the public hearing on January 3, 2017 at 8:14 p.m. He stated that the public hearing is still open. With no one wishing to speak, Mayor Webster left the public hearing open.

Mayor Webster moved to postpone Item No. 16 until February 21, 2017. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 5-0. Council Member Arabie was absent for the vote.

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18. (First Reading) An Ordinance to assign original zoning to approximately 4.01 acres of land from Agriculture 'AG' to Warehouse District 'W' for property located at 1381 Goforth Road. (John R. and Gayla Simon - Z-16-013). ~ *Howard J. Koontz, Director of Planning and Community Development*
Planning and Zoning Commission voted 3-2 to recommend to assign original zoning of Retail Service District 'RS'.

- PUBLIC HEARING

Item No. 18 Attachments

Mayor Webster brought forward Item No. 18 for discussion. Mr. Koontz presented the item. City Attorney Frank Garza stated that the Planning and Zoning is responsible for making a recommendation to Council, and Council has authority to approve anything below "W". He stated, if Council zoned R/S, it could not go back to Warehouse without going through the full zoning process all over again. If the applicant does not want to go with the proposed zoning, Council could keep it as currently zoned.

The applicant was called to speak. Ward Davidson stated that he is the representative of the applicants. He explained that the Simons will be selling the property to a third party, who is okay with R/S as long as it works, and that they just started looking at what that will entail. He said they are looking to have Council approve this on first reading and will continue to look into R/S before second reading.

City Attorney Frank Garza stated that if Council approves R/S on first reading tonight it cannot go back to W. He said if Council approves W tonight, they could still approve R/S on second reading. Mayor Webster asked about requirements to approve W or R/S. Mr. Garza stated to approve W would require a super majority and to approve R/S would require a simple majority.

Mayor Webster opened the public hearing at 8:45 p.m.

Linda Tenorio stated that she was informed by letter that this zoning was for warehouse and the people who received the letter are going by the warehouse notion. She asked Council why the city would send a letter saying warehouse, and now the recommendation is to zone R/S. She asked whether the city should send out another notification of the R/S recommendation. Mr. Garza responded that since R/S is a lower, more restrictive use than W, Council and P&Z can always approve a lower use than what is noticed in the letter without sending out another notification.

With no one else wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 8:48 p.m.

Mayor Pro Tem Fogley moved to approve an Ordinance to assign original zoning to approximately 4.01 acres of land from Agriculture 'AG' to Retail Services 'R/S' for property located at 1381 Goforth Road. Council Member Arabie seconded the motion. Motion carried 5-1 with Council Member Mitchell dissenting.

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19. Consider and possible action to approve a Municipal Hotel Occupancy Tax Funding Agreement for Tourism and Promotional Services with the Kyle Area Chamber of Commerce. ~ *J. Scott Sellers, City Manager*
Item No. 19 Attachments

Mayor Webster brought forward Item No. 19 for discussion. Mr. Sellers presented the item.

Council Member Wilson moved to approve a Municipal Hotel Occupancy Tax Funding Agreement for Tourism and Promotional Services with the Kyle Area Chamber of Commerce. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

20. Consider request to amend scope of work and reimburse Live Oak Masonic Lodge for the Downtown Revitalization Grant they were awarded on June 21, 2016 in the amount of \$3,138.06. ~ *Diana Torres, Director of Economic Development*
Item No. 20 Attachments

Mayor Webster brought forward Item No. 20 for discussion. Brian Ziegler, Chair of the Economic Development and Tourism Board, presented the item.

Council Member Wilson moved to approve an amended scope of work and reimburse Live Oak Masonic Lodge for the Downtown Revitalization Grant they were awarded on June 21, 2016 in the amount of \$3,138.06. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

21. Approve a Resolution authorizing the negotiation of an agreement with HALFF ASSOCIATES, INC., Austin, Texas, to provide services related to creating a new Drainage Master Plan. ~ *Leon Barba, P.E., City Engineer*
Item No. 21 Attachments

Mayor Webster brought forward Item No. 21 for discussion. Mr. Barba presented the item.

Council Member Tenorio moved to approve a Resolution authorizing the negotiation of an agreement with Halff Associates, Inc., Austin, Texas, to provide services related to creating a new Drainage Master Plan. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

22. Consider and possible action to approve up to \$100,000.00 for proposed drainage improvements to the existing drainage culvert on FM 2770 just north of Hellman. ~ *Scott Sellers, City Manager*
Item No. 22 Attachments

Mayor Webster brought forward Item No. 22 for discussion.

Mayor Webster moved to postpone Item No. 22 indefinitely. Council Member Wilson seconded the motion. All votes aye; motion carried 6-0.

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23. (First Reading) Approve an Ordinance Granting Michael J. Blevins, d/b/a On Tyme Taxi & Courier Service, a Franchise to Provide Taxi Services within the Boundaries of the City of Kyle, Texas; providing an agreement prescribing conditions, terms, and regulations governing the operation of the taxi services; providing penalties for noncompliance with franchise; providing for codification; providing for severability; providing for public notice pursuant to the open meetings act; establishing an effective date; and making such other findings and provisions related hereto. ~ *Jerry Hendrix, Chief of Staff*
Item No. 23 Attachments

Mayor Webster brought forward Item No. 23 for discussion. Mr. Hendrix presented the item.

Council Member Wilson moved to approve an Ordinance Granting Michael J. Blevins, d/b/a On Tyme Taxi & Courier Service, a Franchise to Provide Taxi Services within the Boundaries of the City of Kyle, Texas. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

24. (Second Reading) An Ordinance of the City of Kyle, Texas Code of Ordinances amending Chapter 5, Animals, Article III. Animal Protection and Article IX. Animal Care and Control; providing a repealing clause; providing a savings clause; providing a severability clause; providing for publication; and setting an effective date. ~ *Jeff Barnett, Chief of Police*
Item No. 24 Attachments

Mayor Webster brought forward Item No. 24 for discussion. Chief Barnett asked to postpone the item due to Animal Control Officer Brecher's inability to attend the meeting.

Council Member Wilson moved to postpone Item No. 24 to the next meeting. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

25. Consider and possible action to approve an Employment Agreement with City Manager, Scott Sellers. ~ *Todd Webster, Mayor*
Item No. 25 Attachments

Mayor Webster brought forward Item No. 25 for discussion. Mayor Webster addressed commentary he had seen on social media and others, stating that the city manager's base salary is based on comps from a number of cities and is approximately a \$15,000 increase from his current salary; the car allowance was adjusted to bring parity to cities of Buda and San Marcos; and the TMRS contribution is nearly identical to the City of San Marcos city manager's contract. He continued that the cities compared were San Marcos, Round Rock, Georgetown, and Cedar Park. Mayor Webster stated that the city currently provides a cell phone, and there is a non-binding provision on health insurance coverage.

Mayor Pro Tem Fogley expressed support for Mr. Sellers and this contract. Mayor Webster added that the 5% annual increase included in the previous contract has been removed. Council

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Member Wilson also shared his appreciation for Mr. Sellers, gave credit for the \$900,000+ grant received from the Texas Department of Agriculture, and stated the City is well served.

Mayor Webster moved to approve an Employment Agreement with City Manager, Scott Sellers. Mayor Pro Tem Fogley seconded the motion.

There was discussion on the motion. Council Member Tenorio stated that she could not approve the agreement because the comps provided are for city managers with decades of experience. She spoke about the average income for Kyle residents, and stated the grant mentioned by Council Member Wilson was submitted by a grant writer. She said that Mr. Sellers is doing a great job, but she cannot approve the rate. Council Member Mitchell gave his support for Mr. Sellers' leadership from a financial perspective of how he has managed the city's money. He stated his support for this contract. Council Member Mitchell continued that he is disappointed from a financial perspective that the original proposed contract was not approved because this contract costs the citizens \$50,000 more than the other proposed, and that if they simply had extended his current contract as written, it would cost even more due to the 5% increase. Council Member Arabie stated that in response to Council Member Tenorio, the number of years of experience does not dictate the job performance. He offered support for the contract.

Mayor Webster requested a roll call vote. Council Member Wilson voted aye; Mayor Pro Tem Fogley voted aye; Mayor Webster voted aye; Council Member Tenorio voted nay; Council Member Arabie voted aye; and Council Member Mitchell voted aye. Motion carried 5-1 with Council Member Tenorio dissenting.

VII. 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*
- WWTP Grant Award in the amount of \$132,215.00

Mayor Webster brought forward Item No. 26 for discussion. Mr. Sellers presented on a grant that was awarded to the city for use towards the Wastewater Treatment Plant and Conservation Center. Mr. Sellers also recognized Jason Biemer, Division Manager - Treatment Operations, for his contributions related to this grant. Mr. Biemer stated this grant is through the EPA but administered by TCEQ.

VIII. 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 Appeal Update and Associated Matters
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.

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3. Personnel matters pursuant to Section 551.074.
4. Economic Development negotiations pursuant to Section 551.087.
 - Project Just Peachy
 - Project Cherry Red
 - Project Sunset Orange
 - Project Teal
 - Project Pacific Blue

Mayor Pro Tem Fogley 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. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Jesse Espinoza Appeal Update and Associated Matters; Agenda Item No. 4 - Change Order No. 1 to Guerra Underground, LLC; and Economic Development negotiations pursuant to Section 551.087 - Project Just Peachy; Project Cherry Red; Project Sunset Orange; Project Teal; and Project Pacific Blue. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

The City Council convened into executive session at 9:33 p.m.

28. Take action on items discussed in Executive Session.

Council Member Wilson moved to reconvene into open session. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

The City Council reconvened into open session at 10:51 p.m. Mayor Webster announced that no action took place in Executive Session, but action would be taken now.

Council Member Tenorio moved to postpone Item No. 4 - Approval of Change Order No. 1 to Guerra Underground. Council Member Arabie seconded the motion. All votes aye; motion carried 6-0.

IX. ADJOURN

Council Member Tenorio moved to adjourn. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 10:52 p.m.

R. Todd Webster, Mayor

Attest: Jennifer A. Vetrano, City Secretary