

## REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on November 18, 2014 at 7:00 p.m. at Kyle City Hall, with the following persons present:

Mayor Todd Webster	Jerry Kolacny
Mayor Pro Tem Diane Hervol	Dan Ekaikadis
Council Member LeMense	Larry Jones
Council Member Selbera	Jesse Espinoza
Council Member Swaton	
Council Member Tammy Arabie	
Council Member David Wilson	
James Collins, Honorary Member	
James Earp, Interim City Manager	
Perwez Moheet, Director of Finance	
Ken Johnson, City Attorney	
Jerry Hendrix, Chief of Staff	
Manny De La Rosa, Director of Planning	
Robert Olvera, IT	
Diana Blank-Torres, Director Economic Development	
Sandra Duran, HR Director	
Captain Hernandez, Kyle PD	
Connie Brooks, Library Director	

### CALL MEETING TO ORDER

Mayor Webster called the meeting to order at 7:00 p.m.

### ROLL CALL

Mayor Webster called for roll call. Present were Mayor Webster, Mayor Pro Tem Hervol, Council Member LeMense, Council Member Selbera, Council Member Swaton, Council Member Arabie, Council Member Wilson, and Honorary Member James Collins.

### APPROVAL OF MINUTES

CITY COUNCIL WORKSHOP MEETING - OCTOBER 14, 2014 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL REGULAR MEETING - NOVEMBER 5, 2014 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL SPECIAL CALLED MEETING - NOVEMBER 10, 2014 ~ *AMELIA SANCHEZ, CITY SECRETARY*

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Mayor Pro Tem Hervol stated she had a correction to the November 10th minutes that stated Mayor Pro Tem Hervol opened the citizens comment period and Mayor Webster closed citizen comments, but that Mayor Webster arrived after the citizen comment period was over. Mayor Pro Tem Hervol moved to approve the minutes of the City Council Workshop Meeting - October 14, 2014, the November 5, 2014 Regular City Council Meeting and the November 10, 2014 Special Called Meeting. Council Member Arabie seconds the motion. All aye. Motion carried 7-0.

### CITIZEN COMMENT PERIOD WITH CITY COUNCIL

THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS EARLY IN THE AGENDA OF REGULAR MEETINGS. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AT THE KYLE CITY HALL. SPEAKERS MAY BE PROVIDED WITH AN OPPORTUNITY TO SPEAK DURING THIS TIME PERIOD, AND THEY MUST OBSERVE THE THREE-MINUTE TIME LIMIT.

Mayor Webster opened the Citizens Comments at 7:03 p.m. Jerry Kolacny spoke about concerns he had with the late hours alcohol sales and that there would be people leaving the bars and walking through the neighborhoods late at night and said it was a bad decision. He also felt the city was spending too much money on internet connecting all city buildings. Dan Ekaikadis spoke in favor of item 10 the late night alcohol sales. He stated it would generate more tax revenue and that we needed to progress because the city is growing. Larry Jones of Bunton Creek spoke on the PID issue in their neighborhood. He stated that the city had helped the residents but they were hearing conflicting stories and asked that they be kept informed on what is being done. He asked the council that before they approved another PID to be sure of how it will be handled and to remember that it shifts the burden to the homeowner. Jesse Espinoza introduced himself to the council as the newly elected President of the Kyle Police Association and that he would be contacting them one on one at a later date. With no one else wishing to speak Mayor Webster closed Citizens Comments at 7:16 p.m.

### PRESENTATION

PRESENTATION OF END OF YEAR RESULTS ON RETAIL RECRUITMENT BY CATALYST COMMERCIAL. ~ *DIANA BLANK-TORRES, DIRECTOR ECONOMIC DEVELOPMENT*

Jason Claunch, President of Catalyst Commercial provided a presentation of End of Year results on retail recruitment to Council.

### APPOINTMENTS

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CONSIDER AND TAKE POSSIBLE ACTION TO APPOINT RECOMMENDED INDIVIDUALS TO VACANT POSITIONS ON THE PLANNING AND ZONING COMMISSION. ~ *R. TODD WEBSTER, MAYOR*

Mayor Webster moved to appoint Michele Christie to the Planning and Zoning Commission., Council Member Wilson seconds the motion. After some discussion on place of appointment Council Member LeMense called point of order and stated that the Mayor had to restate his motion

Mayor Webster moved to rescind his prior motion. Council Member Wilson seconds the motion. All aye. Motion carried.

Mayor Webster restated his nomination of Michele Christie to the Planning and Zoning Commission to Seat 4. Council Member Wilson seconds the motion. All aye. Motion carried.

Mayor Webster moved to nominate Timothy Kay to the At Large position on the Planning and Zoning Commission. Council Member Wilson seconds the motion. All aye. Motion carried.

CONSENT AGENDA

APPROVE A PURCHASE ORDER TO CALDWELL COUNTRY CHEVROLET, CALDWELL, TEXAS, IN AN AMOUNT NOT TO EXCEED \$27,980.00 FOR THE PURCHASE OF ONE (1) 2015 CHEVROLET 2500HD SILVERADO 4X4 DOUBLE CAB TRUCK THROUGH THE BUY BOARD PURCHASING COOPERATIVE FOR THE ANIMAL CONTROL UNIT IN THE POLICE DEPARTMENT. ~ *JEFF BARNETT, CHIEF OF POLICE*

APPROVE A 5-YEAR TRUST AND INVESTMENT MANAGEMENT SERVICES AGREEMENT WITH THREE 1-YEAR RENEWAL OPTIONS WITH PEB TRUST ADMINISTERED BY FIRSTSOUTHWEST FOR A FIXED MANAGEMENT FEE OF \$10,500 PER YEAR FOR THE CITY OF KYLE'S POST-RETIREMENT MEDICAL BENEFITS PLAN. ~ *PERWEZ A. MOHEET, CPA, DIRECTOR OF FINANCE*

APPROVE A CONTRACT WITH SPAWGLASS CONTRACTOR'S, INC., AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$105,886.00 FOR LANDSCAPING AND OTHER EXTERIOR WORK FOR PHASE 3 OF THE HISTORIC KYLE TRAIN DEPOT RESTORATION PROJECT. ~ *JERRY HENDRIX, CHIEF OF STAFF*

APPROVE THE USE POLICY FOR THE KYLE PUBLIC LIBRARY BURDINE AND JACK JOHNSON WING MEETING ROOM. ~ *CONNIE BROOKS, DIRECTOR OF LIBRARY SERVICES*

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*(SECOND READING)* AN ORDINANCE AUTHORIZING PERMITTEES OF MIXED BEVERAGE PERMITS AND LATE-HOURS PERMITS TO SELL OR OFFER FOR SALE MIXED BEVERAGES FROM THE HOURS OF TWELVE MIDNIGHT UNTIL TWO A.M. ON ANY DAY; PROVIDING DEFINITIONS; LEVYING A FEE ON PERMITTEES AFTER A THREE-YEAR PERIOD FOLLOWING THE ISSUANCE OF PERMITS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO. ~ *MANUEL DE LA ROSA, DIRECTOR OF PLANNING SERVICES.*

Council Member Selbera asked to pull item # 10 from Consent Agenda, and Mayor Pro Tem Hervol pulled item # 8.

Mayor Pro Tem Hervol moved to approve items 6 ~ Approve a purchase order to CALDWELL COUNTRY CHEVROLET, Caldwell, Texas, in an amount not to exceed \$27,980.00 for the purchase of one (1) 2015 Chevrolet 2500HD Silverado 4X4 Double Cab Truck through the Buy Board Purchasing Cooperative for the Animal Control unit in the Police Department; item 7 ~ Approve a 5-year trust and investment management services agreement with three 1-year renewal options with PEB TRUST administered by FirstSouthwest for a fixed management fee of \$10,500 per year for the City of Kyle's post-retirement medical benefits plan; and item 9 ~ Approve the use policy for the Kyle Public Library Burdine and Jack Johnson Wing Meeting Room. Council Member Selbera seconds the motion. All aye. Motion carried 7-0.

APPROVE A CONTRACT WITH SPAWGLASS CONTRACTOR'S, INC., AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$105,886.00 FOR LANDSCAPING AND OTHER EXTERIOR WORK FOR PHASE 3 OF THE HISTORIC KYLE TRAIN DEPOT RESTORATION PROJECT.

Mayor Pro Tem Hervol stated she had pulled this item so that Chief of Staff Jerry Hendrix could provide an update for all.

Mayor Pro Tem Hervol moved to Approve a contract with SPAWGLASS CONTRACTOR'S, INC., Austin, Texas, in an amount not to exceed \$105,886.00 for landscaping and other exterior work for Phase 3 of the Historic Kyle Train Depot Restoration project. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

*(SECOND READING)* AN ORDINANCE AUTHORIZING PERMITTEES OF MIXED BEVERAGE PERMITS AND LATE-HOURS PERMITS TO SELL OR OFFER FOR SALE MIXED BEVERAGES FROM THE HOURS OF TWELVE MIDNIGHT UNTIL TWO A.M.

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ON ANY DAY; PROVIDING DEFINITIONS; LEVYING A FEE ON PERMITTEES AFTER A THREE-YEAR PERIOD FOLLOWING THE ISSUANCE OF PERMITS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO. ~ MANUEL DE LA ROSA, DIRECTOR OF PLANNING SERVICES

Council Member Swaton recused herself from this item because the owner of the business requesting the ordinance change was the coach on her son's football team and was not aware of this at the last meeting on first reading.

Council Member Selbera stated she pulled this item because she does not feel Kyle is ready for the 2 am late night sale of alcohol, with a concern for the neighborhoods and not enough lighting and parking downtown and high school students in the area.

Council Member Wilson moved to approve (*Second Reading*) An ordinance authorizing permittees of mixed beverage permits and late-hours permits to sell or offer for sale mixed beverages from the hours of twelve midnight until two a.m. on any day; providing definitions; levying a fee on permittees after a three-year period following the issuance of permits; providing a penalty clause; providing a severability clause; providing for repeal of conflicting ordinances; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing an effective date; and making such other findings and provisions related hereto. Council Member LeMense seconds the motion. Mayor Webster called for a roll call vote. Council Member Wilson voted aye, Council Member Arabie voted aye, Mayor Webster voted aye, Council Member Selbera voted nay, Council Member LeMense voted aye, Mayor Pro Tem Hervol voted aye. Motion carried 5-1 with Council Member Selbera voting nay and Council Member Swaton recused and not voting or participating in debate.

CONSIDER AND POSSIBLE ACTION

(*FIRST READING*) APPROVE AN ORDINANCE AMENDING THE CITY'S APPROVED BUDGET FOR FISCAL YEAR 2014-15 BY INCREASING TOTAL APPROPRIATIONS FOR EXPENDITURES BY \$114,600; GENERAL FUND BY \$95,800 AND THE UTILITY FUND BY \$18,800 AND DECREASING FUND BALANCE BY THE SAME AMOUNTS IN THE GENERAL FUND AND THE UTILITY FUND RESPECTIVELY FOR PAYMENT OF FINE TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND FOR IMPLEMENTATION OF TECHNOLOGY IMPROVEMENTS FOR THE CITY'S INFORMATION SYSTEMS. ~ PERWEZA. MOHEET, CPA, DIRECTOR OF FINANCE

PUBLIC HEARING

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Mayor Webster opened the Public Hearing at 7:53 pm to hear comments on (*First Reading*) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2014-15 by increasing total appropriations for expenditures by \$114,600; General Fund by \$95,800 and the Utility Fund by \$18,800 and decreasing fund balance by the same amounts in the General Fund and the Utility Fund respectively for payment of fine to Texas Commission on Environmental Quality (TCEQ) and for implementation of technology improvements for the City's information systems. Jerry Kolacny spoke and stated he tried to figure out what the fine to TCEQ was for and believed it was for a sewage spill a couple of years ago and guessed the \$18,000. was for this fine, and questioned what the \$95,000. was. He stated the utility department had made some changes in the downtown area where there had been problems with sewage backing up in some peoples homes. He stated clean outs had been installed but that during the last heavy rain the water started backing up, releases pressure and then dumping raw sewage in ditches and asked that someone address the problem and that it had been a long standing problem. Mayor Webster asked Mr. Kolacny if he had made the staff aware of the problem because this was news to him, and asked him to get with staff and point out an exact location. With no one else wishing to speak Mayor Webster closed the Public Hearing at 7:56 pm.

Mayor Pro Tem Hervol moved to approve (*First Reading*) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2014-15 by increasing total appropriations for expenditures by \$114,600; General Fund by \$95,800 and the Utility Fund by \$18,800 and decreasing fund balance by the same amounts in the General Fund and the Utility Fund respectively for payment of fine to Texas Commission on Environmental Quality (TCEQ) and for implementation of technology improvements for the City's information systems. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

APPROVE AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF KYLE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014; AUTHORIZING CERTAIN PARAMETERS FOR THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; DELEGATING AUTHORITY TO THE CITY MANAGER OR THE DIRECTOR OF FINANCE TO SELECT OUTSTANDING OBLIGATIONS TO BE REFUNDED AND APPROVE ALL FINAL TERMS OF THE BONDS, APPROVING THE PREPARATION AND DISTRIBUTION OF A NOTICE OF SALE AND OFFICIAL STATEMENT, AND CALLING CERTAIN OBLIGATIONS FOR REDEMPTION. ~ *PERWEZ A. MOHEET, CPA, DIRECTOR OF FINANCE*

### PUBLIC HEARING

Mayor Webster opened the Public Hearing at 8:00 p.m. to hear comments on an Ordinance authorizing the issuance of City of Kyle, Texas, General Obligation Refunding Bonds, Series 2014; authorizing certain parameters for the bonds; authorizing the execution and delivery of an

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escrow agreement, a paying agent/registrars agreement and other instruments and procedures related thereto; delegating authority to the city manager or the director of finance to select outstanding obligations to be refunded and approve all final terms of the bonds, approving the preparation and distribution of a notice of sale and official statement, and calling certain obligations for redemption. With no one wishing to speak Mayor Webster closed the Public Hearing at 8:00 p.m.

Mayor Pro Tem Hervol moved to Approve an Ordinance authorizing the issuance of City of Kyle, Texas, General Obligation Refunding Bonds, Series 2014; authorizing certain parameters for the bonds; authorizing the execution and delivery of an escrow agreement, a paying agent/registrars agreement and other instruments and procedures related thereto; delegating authority to the city manager or the director of finance to select outstanding obligations to be refunded and approve all final terms of the bonds, approving the preparation and distribution of a notice of sale and official statement, and calling certain obligations for redemption. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

*(FIRST READING)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF KYLE, APPENDIX “A” (FEE SCHEDULE), TO SET CERTAIN FEES FOR PUBLIC USE OF THE KYLE PUBLIC LIBRARY BURDINE AND JACK JOHNSON WING MEETING ROOM; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO. ~ *CONNIE BROOKS, DIRECTOR OF KYLE PUBLIC LIBRARY*

Mayor Pro Tem Hervol moved to approve *(First Reading)* An ordinance of the City of Kyle, Texas, amending the Code of Ordinances of the City of Kyle, Appendix “A” (Fee Schedule), to set certain fees for public use of the Kyle Public Library Burdine and Jack Johnson Wing meeting room; providing a severability clause; finding and determining the meeting at which this ordinance is passed is open to the public as required by law; providing an effective date; and making such other findings and provisions related hereto. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

## GENERAL DISCUSSION

### DISCUSSION ONLY REGARDING COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Mayor Webster stated that this item was included to discuss proposing something for an agenda that would require the City Attorney or staff drafting of any work and get a consensus beforehand rather than having 7 Council Members asking for items on the agenda of staff. He felt this would make things run more efficiently and the could discuss this some more later.

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### DISCUSSION ONLY REGARDING OPTIONS AND OTHER MATTERS RELATING TO THE PROPOSED FM 150 ROAD REALIGNMENT. ~ *R. TODD WEBSTER, MAYOR*

Mayor Webster stated he attended a Hays CISD Board meeting regarding the proposed FM 150 road realignment and made it clear he was not representing the council. He stated he had given his opinion on the road options being considered that he thought would be best for the city. He stated that he had requested that before they made their decision on which road option they would prefer that they have an opportunity to sit down and discuss it. He stated he felt an obligation to provide feedback as a group on the road options, have public meetings and a resolution endorsing one or more of those proposals at some point. Council Member Lemense was off the dais at 8:23p.m. and returned at 8:27 p.m.

### CITY MANAGERS REPORT

#### UPDATE ON VARIOUS CAPITAL IMPROVEMENT PROJECTS, ROAD PROJECTS, BUILDING PROGRAM, AND/OR GENERAL OPERATIONAL ACTIVITIES ~ *JAMES EARP, ACTING CITY MANAGER*

1. A detailed report is attached listing all payments processed totaling \$15,000 or less during the month of October 2014.
- 2.

Interim City Manager James Earp stated that a detailed report listing all payments totaling \$15,000. or less during the month of October 2014 was attached and reminded Council that the posting of the agenda for December 2nd would be posted on Wednesday, November 26 due to the Thanksgiving holidays so if they had anything they wanted on the agenda to please notify staff sooner than later. He also notified Council about the ACC runoff election to be held on December 16 in the Falcon room on the same day as the Council meeting.

### STAFF REPORT

#### PRESENTATION OF CITY OF KYLE'S FINANCIAL PERFORMANCE REPORT (UNAUDITED) FOR THE 4TH QUARTER ENDING SEPTEMBER 30, 2014. ~ *PERWEZ A. MOHEET, CPA DIRECTOR OF FINANCE*

Perwez Moheet, Finance Director provided Council with the City of Kyle's Financial Performance Report (unaudited) for the 4th quarter ending September 30, 2014.

### EXECUTIVE SESSION

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.087, TEX. GOV'T CODE, TO DELIBERATE OFFERS OF FINANCIAL OR OTHER INCENTIVES AND



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ECONOMIC DEVELOPMENT NEGOTIATIONS WITH BUSINESS PROSPECTS THAT THE CITY SEEKS TO HAVE LOCATE, STAY OR EXPAND IN OR NEAR THE CITY

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.071(1)(A), TEX. GOV'T CODE (CONSULTATION WITH ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION) CONCERNING THE BUNTON CREEK PUBLIC IMPROVEMENT DISTRICT AND ASSESSMENTS LEVIED

CONVENE INTO EXECUTIVE SESSION PURSUANT TO TEX. GOV'T CODE SEC. 551.074 (PERSONNEL) AND SEC. 551.071(2) (CONSULTATION WITH ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH TEX. GOV'T CODE CHAPTER 551) TO DELIBERATE AND TAKE POSSIBLE ACTION TO HIRE A CITY MANAGER AND IF APPROPRIATE, TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR EMPLOYMENT WITH THE SELECTED INDIVIDUAL.

Council Member Wilson moved to Convene into Executive Session at 8:48 p. m. pursuant to Section 551.087, Tex. Gov't Code, to deliberate offers of financial or other incentives and economic development negotiations with business prospects that the City seeks to have locate, stay or expand in or near the City; Convene into executive session pursuant to Section 551.071(1)(A), Tex. Gov't Code (Consultation with Attorney regarding pending or contemplated litigation) concerning the Bunton Creek Public Improvement District and assessments levied; Convene into executive session pursuant to Tex. Gov't Code Sec. 551.074 (Personnel) and Sec. 551.071(2) (Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Tex. Gov't Code Chapter 551) to deliberate and take possible action to hire a city manager and if appropriate, to negotiate and execute an agreement for employment with the selected individual. Council Member LeMense seconds the motion. All aye. Motion carried 7-0.

RECONVENE INTO OPEN SESSION TO TAKE ANY AND ALL ACTIONS AS DEEMED APPROPRIATE REGARDING OFFERS OF FINANCIAL OR OTHER INCENTIVES AND ECONOMIC DEVELOPMENT NEGOTIATIONS WITH BUSINESS PROSPECTS THAT THE CITY SEEKS TO HAVE LOCATE, STAY OR EXPAND IN OR NEAR THE CITY.

RECONVENE INTO OPEN SESSION TO TAKE ANY AND ALL ACTIONS AS DEEMED APPROPRIATE REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING THE BUNTON CREEK PUBLIC IMPROVEMENT DISTRICT AND ASSESSMENTS LEVIED.

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RECONVENE INTO REGULAR SESSION TO DISCUSS AND TAKE POSSIBLE ACTION TO HIRE A CITY MANAGER AND IF APPROPRIATE, TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR EMPLOYMENT WITH THE SELECTED INDIVIDUAL.

Mayor Pro Tem Hervol moved to Reconvene into Open Session at 10:34 p.m. to take any and all actions as deemed appropriate regarding offers of financial or other incentives and economic development negotiations with business prospects that the city seeks to have locate, stay or expand in or near the City.

Mayor Pro Tem Hervol stated no action was taken during Executive Session.

Mayor Pro Tem Hervol moved to Reconvene into Open Session at 10:34 p.m. to take any and all actions as deemed appropriate regarding pending or contemplated litigation concerning the Bunton Creek Public Improvement District and assessments levied.

Mayor Pro Tem Hervol moved to authorize the City Attorney to pursue litigation against PID Holdings, a company, and directing a future budget amendment. Council Member Selbera seconds the motion. All aye. Motion carried 7-0.

Mayor Pro Tem Hervol moved to Reconvene into Open Session at 10:34 p.m. to discuss and take possible action to hire a city manager and if appropriate, to negotiate and execute an agreement for employment with the selected individual

Mayor Pro Tem Hervol moved to authorize the Mayor and staff to negotiate a contract with Scott Sellers. Council Member Wilson and Council Member LeMense second the motion simultaneously. All aye. Motion carried 6-0. Council Member LeMense left before vote.

ADJOURN

With no further business to discuss, Council Member Wilson moves to adjourn. Mayor Pro Tem Hervol seconds the motion. All votes aye. Motion carried.

The City Council meeting adjourned at 10:38 p.m.

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R. Todd Webster, Mayor

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Amelia Sanchez, City Secretary