

# City of Port St. Lucie

## Special City Council

### Meeting Minutes

121 SW Port St. Lucie  
Blvd.  
Port St. Lucie, Florida  
34984

Gregory J. Oravec, Mayor

Stephanie Morgan, Councilwoman, District I  
Dave Pickett, Councilman, District II  
Shannon Martin, Vice Mayor, District III  
Jolien Caraballo, Councilwoman, District IV

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**Monday, March 8, 2021**

**1:00 PM**

**Council Chambers, City Hall**

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**\*Revision to Exhibit B of item 7a on 3/8/21\***

**1. Meeting Called to Order**

A Special Virtual Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Oravec on March 8, 2021, at 1:01 PM, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**2. Roll Call**

Council members present:

Mayor Gregory J. Oravec  
Vice Mayor Shannon Martin  
Councilwoman Stephanie Morgan  
Councilman Dave Pickett  
Councilwoman Jolien Caraballo

**3. Pledge of Allegiance**

Mayor Oravec led the assembly in the Pledge of Allegiance.

**4. Public to be Heard**

(Clerk's Note: No one signed up to speak under this item.)

## 5. Second Reading of Ordinances, Public Hearing

The City Attorney reviewed and outlined the quasi-judicial procedures. He also explained the time limits for the presentations as agreed to by the parties.

- 5.a** Ordinance 20-57, Public Hearing, An Ordinance Amending the Comprehensive Plan of the City of Port St. Lucie to Provide a Large-Scale Amendment Consisting of Text Amendments to the Future Land Use Element by Amending Policy 1.2.10.2 and Figure 1-5 as Requested by Riverland Associates I & III, LLLP; Riverland/Kennedy II, LLC (P20-161)

[2021-021](#)

Mayor Oravec requested that the email between Gary Hunter, representative for Riverland/Kennedy the applicant, and Alfred Malefatto, representative for Akel Homes, agreeing to the time limits for their presentations, be entered into the record. The City Attorney stated that he would send a copy of the email to the City Clerk. Council agreed to hear one presentation and to the presentation time limits for items 5.a, 6.a, and 7.a, as explained by the City Attorney.

The Assistant City Clerk administered the Oath of Testimony to staff and other interested parties.

Mayor Oravec asked for ex-parte communications. Vice Mayor Martin disclosed that she has spoken to Riverland throughout the project and to Azlina Siegel today. Vice Mayor Martin indicated that County Commissioner Townsend questioned how the development related to the Air Park and she referred her to Ms. Siegel. Councilwoman Morgan disclosed that she has spoken to County Commissioner Townsend as well and with everybody in past e-mails regarding Riverland. She noted that today she received e-mails from Akel Homes but did not open the attachments. Vice Mayor Martin stated that she also received e-mails from Akel. Councilwoman Caraballo indicated that she recalled being approached at the Civic Center by a representative of Wilson Groves. She said they agreed they could not have a conversation, because of the pending legal matter.

The Assistant City Clerk read Ordinance 20-57 aloud by title only. Mayor Oravec opened the Public Hearing.

### STAFF PRESENTATION

Daniel Robinson with Planning & Zoning provided a PowerPoint presentation. He reviewed the proposed project/amendment, general

information, location and aerial, future land use, background, impacts and findings, existing and proposed Figure 1-5 and Map H, and recommendations for items 5.a, 6.a, and 7.a.

Vice Mayor Martin stated that in the last two presentations staff recommended approval based on consistency. She said the Planning and Zoning Board recommended denial, because they felt the matter was very complicated and beyond their scope. In response, Mr. Rosenthal stated that was correct. Vice Mayor Martin said she wanted to make sure that was in the record.

Mayor Oravec asked Mr. Robinson if he could provide testimony on the evolution of the roadway requirements associated with this development. The City Attorney explained that the City has been named in a lawsuit on this and recommended that the parties make their presentation.

Mayor Oravec expressed his dismay of not having more specific testimony from staff. Councilwoman Caraballo requested that going forward any potential changes from applications, that will alter the original agreements and are not involved a lawsuit, be provided with the testimony, so the Council and the public are aware of any potential obligations to the City.

#### APPLICANT PRESENTATION

Gary Hunter, with Hopping Green & Sams and on behalf of Riverland/Kennedy, indicated that the Simmons and White Traffic Impact Statement and the WGI analysis were missing from the packet online. He submitted these documents to the City Clerk and asked that they be made part of the record.

Mr. Hunter provided a PowerPoint presentation and an introduction. He reviewed the history of the western annexation area, key parts and road network of the Annexation Agreement, and Western Annexation Traffic Study (WATS). He also presented the approvals of the DRI development orders, original 2006 DRI development order approvals, and DRI development order amendments.

Ken Tuma, planner with Urban Design Studio and on behalf of Riverland/Kennedy, provided more detail on the DRI amendment applications: Comprehensive Plan Text Amendment P20-161 and

Development Order Amendment P20-162. He reviewed the location maps and showed Council the existing and proposed Figure 1-5, and stated that there are no net changes. He also discussed the proposed change to policy 1.2.10.2 and stated that the proposed amendments are consistent with the Comprehensive Plan.

Bryan Kelley, professional traffic engineer with Simmons & White, stated that he prepared the traffic study for the DRI amendment, which included an updated trip generation, internal capture, trip distribution and roadway analysis for the relocation of the lane uses within the Riverland/Kennedy DRI. He reviewed this study as well as the Western Annexation Traffic Study (WATS).

Vice Mayor Martin inquired as to when the traffic study was done, to which Mr. Kelley indicated it was completed on August 26, 2020.

Councilwoman Caraballo questioned if WATS was being utilized as a component of how they look at the traffic study. In response, Mr. Kelley explained that it was included in their traffic study and shown as a comparison to the WATS.

Mr. Kelley continued his presentation and reviewed the distribution of road obligations, lane miles, and Map H, based on the approved development order as of January 25, 2021. He also discussed the road obligations in the DRI development orders and provided an example stating that the first two lanes of Becker Road are a condition of Wilson Groves' development orders but not Riverland/Kennedy's development orders.

Mr. Tuma reviewed the DRI amendment for P20-162 and the history of the Riverland/Kennedy DRI approvals. He provided a summary of the proposed amendments to the DRI development order, showed Council a DRI map amendment to revise Exhibit D to Resolution 16-R52, and provided an existing and proposed Map H indicating no net change. He presented the Executive Order (EO) State of Emergency time extensions, which extend this development order to 2044. He discussed the established minimums for number of units, definition, and established guidelines for an age restricted community. He also discussed the miscellaneous amendments to the development order conditions.

Andrea Troutman, professional traffic engineer with Pinder Troutman

Consulting, stated that she prepared the trip generation analyses for Parcel A, Valencia Cay, and Parcel B. She said the trip generation analyses were with each site plan application as required by condition 17 of the current DRI development order. She stated that no changes to this condition are proposed. She also presented the Parcel B MPUD Trip Generation Statement and the Riverland/Kennedy DRI Development Order Phase 1 Road Requirements.

Azlina Siegel, with Riverland/GL Homes, provided a brief presentation on the Riverland MPUD Parcel B Conceptual Plan. She stated that in the interest of saving time and since this is the first reading, they will be providing a more detailed presentation at second reading. She noted that staff recommended approval, because Riverland was required to have the DRI amendment approved. She said the Planning and Zoning Board, for housecleaning reasons, denied the MPUD rezoning.

Mr. Hunter addressed the Planning & Zoning denial and the misleading claims made by Akel Homes (ACR). He stated that Wilson Groves is not landlocked and that ACR did not pay \$20 million for roads to Wilson Groves. He indicated that the first two lanes of Becker Road are a condition of the Wilson Groves development order and not Riverland/Kennedy's development order. He said that ACR misrepresents development order requirements of Riverland/Kennedy. He explained that the development order controls inconsistencies with the Annexation Agreement, as it is the controlling document. He stated that ACR has the ability to build Becker Road and that each developer is entitled to develop 40% of their property. He said Riverland/Kennedy has not developed more than 40% of its property.

Ryan Courson with Riverland/GL Homes provided an update on Riverland and shared some of their successes with the City over the last few years. He showed Council some photos of the Riverland Grand Opening, Riverland Community Update, Riverland in December 2017 and February 2021. He stated that Riverland's success is the City's success.

The meeting recessed at 2:20 PM and reconvened at 2:33 PM.

Mayor Oravec questioned if the change to age restricted homes impacts the calendar date of any development requirements, to which Mr. Hunter responded in the affirmative. He said that age restricted homes generate less trips.

Mayor Oravec inquired if the Annexation Agreement or development order came first. In response, Mr. Hunter stated the Annexation Agreement came first and then it was implemented via development orders.

Mayor Oravec asked if Riverland built the roads to gain access to its property, to which Mr. Hunter responded in the negative.

Mayor Oravec questioned if there was a remedy for a party in default. Mr. Hunter responded stating that the default issue is the City's to declare and that there is a remedy. He explained that the City has to give notice and the receiving party of the default notice has an opportunity to cure under the agreement.

Mayor Oravec asked if the city declared everyone in default of the Annexation Agreement tomorrow, and the cure was Becker Road and Akel homes built it, would GL Homes pay the cost or rely on the development order. In response, Mr. Hunter stated he thought that GL and Riverland/Kennedy would pay for the first two lanes, but then the lane miles would have to be reallocated.

Vice Mayor Martin asked Mr. Hunter to put on record the result of the recent mediation. Mr. Hunter stated that they did not resolve their concerns, the mediation was unsuccessful, and they reached an impasse.

#### PARTY INTERVENER

Daniel Sorrow, for Wilson Groves the Intervener, used an easel to present a few charts to Council. Mr. Sorrow explained that Riverland is relocating commercial uses from the shared border of Wilson Groves out to Community Boulevard, further distancing any kind of development and trips from the Wilson Groves property, which he does not think was an arbitrary decision. He said he believes that Riverland never intends to build those roads and the red lines on the chart represent the maximum road network Riverland intends to build. He stated that Public Works will require two points of access to a main road, which is why Riverland has built or will build incrementally. He said that Riverland has created an internal network of roads and utilities. He noted that the language being proposed in the DRI regarding age restricted trip generation is different than road building.

He said it could potentially mean that Riverland would not have to build all their roads and the City may be stuck with segments of no road from Riverland to Wilson Groves and further south.

Attorney Al Malefatto with Lewis, Longman & Walker stated that he was representing Akel Homes, the owners of Wilson Groves. He said his clients, Ramsey Akel and Alex Akel, were in attendance. He indicated their traffic consultant, Susan O'Rourke, will discuss the traffic issues.

Attorney Malefatto stated that on March 4th, Ms. Akel sent a letter via e-mail to Council highlighting the objections to the current Riverland applications. He read from that letter and asked that it be made part of the record: "This public hearing should be postponed until after the pending mediation, which may resolve the outstanding issues."

Steve Katzman, Litigation Attorney, stated that he has been an active participant in the mediation. He said that although GL Homes has requested that an impasse be declared, the mediator has not declared one. He stated that he has been asked by the mediator to contact him after this hearing, because of the ongoing discussions. In addition, Attorney Katzman indicated that his client is having separate settlement negotiations as a part of this mediation process. He said there has not been an impasse, as the mediation is ongoing.

Attorney Malefatto reviewed Akel Homes' objections to P20-161, P20-162 and P20-175 and the reasons to deny the applications. He stated that the applications must be denied or postponed indefinitely due to ongoing litigation. He said the applications violate the Annexation Agreement as well as the Comprehensive Plan and City Code.

Susan O'Rourke, registered professional engineer in the state of Florida and President of O'Rourke Engineering and Planning, discussed the Western Annexation Area Transportation Study (WATS) and explained that if anything changes in the traffic analysis zone, the study needs to be updated. She indicated that there have been three major changes: land use change, change in the location of the nonresidential use, and change in the roadway network.

Attorney Malefatto emphasized that to date Riverland has built 1.96 miles of road and not four miles as they have indicated.

Councilwoman Caraballo questioned what triggers the years being put on record for the buildout of these roads. Ms. O'Rourke explained that the roads originally thought to be built in the first five years are now getting pushed out to a year unknown, because the threshold is being lowered by age restricted versus single family trips. She said that this affects the partners and the other DRI's.

Attorney Malefatto stated the applications would allow Phase 2 units without Phase 1 roads. He showed videos of Glen Ryals and Larry Portnoy of GL Homes, dated 07/09/2012, saying that "By the end of 2,500 units, we will have Community Boulevard down to Becker Road." Attorney Malefatto stated that Riverland has an obligation to build Becker Road.

Ramsey Akel, with Akel Homes, provided a brief presentation and some history. He asked that they honor the agreement that was made fifteen years ago and spoke in favor of completing Becker Road. He stated that he stands in front of them today prepared to fund his portion. He stated that GL Homes has failed to update the WATS, because they want to delay building the road.

Attorney Malefatto concluded his presentation with the final takeaways and solutions. He said the Riverland application should be denied or postponed until Riverland meets its constructional obligations. He stated if the City elects to move forward, they ask that Riverland be required to immediately fund and construct the first two lanes of Becker Road through the portion of its property to the boundary of Wilson Grove and construct all required Phase 1 roads, including Community Boulevard from Discovery to Becker Road and East/West 3 from Community Boulevard to North/South B.

Councilwoman Caraballo inquired if Riverland/Kennedy was making a change to senior living for the traffic report. Ms. O'Rourke responded and indicated that the assumptions in the original documents related to the Riverland/Kennedy area were for single-family detached and continues to be that way. She said, before them today, is language that defines it as age restricted, which is the trip generation that was presented.

Mayor Oravec asked for the number of trips per unit. In response, Ms. O'Rourke stated the average was .3. She said single family compared to single family age restricted comes to .8 or .9 compared to .3, so



about one third.

Councilwoman Caraballo questioned if the type of housing changes the obligation in regards to the number of lane miles one is supposed to build. In response, Ms. O'Rourke stated that if they hit a threshold, they build a road. If they never hit the threshold, they never build the road. She explained if changes are made, the baseline assumptions will be wrong, because the roads will not be in place. She said only a portion of the roads will be built and they will not have that interconnectivity the Treasure Coast Regional Planning Council is discussing, because some roads will be postponed well into the future.

Vice Mayor Martin stated it was represented that the WATS information was taken into account for the August 20, 2020, traffic study that was done by a third party consultant and the traffic study that was done by Mattamy as part of the Southern Grove Master Plan. She asked if that rendered the original WATS study a moot point. In response, Diana Spriggs with Public Works stated that the study done last summer was for the Southern Grove Master Plan. She said they assumed Riverland was using the WATS numbers. She explained that the traffic study for the Southern Grove Master Plan does not factor in the age restricted numbers from Riverland's latest update, but that Riverland's traffic study after that includes them.

Councilwoman Caraballo asked what document or language triggers a WATS study. Ms. O'Rourke explained that when an analysis is being done, the type of use and moving of retail will change the number of trips. She stated that each developer is relying on these assumptions as they move forward and build roads.

Vice Mayor Martin asked Mr. Ramsey what he planned on doing with the property, to which he replied that they will not sell an inch of the property as long as he is alive. He said they will build every house and every shopping center.

Councilwoman Morgan stated that Akel Homes was not landlocked, because it is accessible via Range Line Road, but that they do need that connection to Becker Road for better access.

Councilman Pickett questioned the distance in miles to the Wilson Groves property using Range Line Road. He indicated that it was more than 27.1 miles via Range Line Road and 3 miles via Becker Road. He

said the solution is to build Becker Road.

## REBUTTAL AND CLOSING

Mr. Hunter, representative of the applicant Riverland/Kennedy, asked the City Attorney to indicate where his client and Akel Homes are in the litigation/mediation. In response, the City Attorney stated that he has been in communication with the mediator, Mr. Mandel. The City Attorney explained that at the end of the mediation, GL Homes and Mattamy Homes each declared an impasse, but the City nor the mediator has not, so it is still in a mediation status. He said the mediator at some point will notice the court and say all parties have considered themselves done and then close out the case.

Mr. Hunter explained that the WATS report was triggered by a condition in their development order. He said the City hired WGI to review this report, which concluded that it was accurate and appropriate. He asked Ms. Troutman to further address the WATS.

Councilwoman Caraballo questioned if keeping the single-family development at that level would have triggered a WATS study, to which Ms. Troutman responded in the negative.

Councilwoman Caraballo asked if the WATS was referenced in the development order or Annexation Agreement. She requested that moving forward any traffic study and WATS be addressed and consistent in all agreements, so that both indicators are part of the conversation. In response, Ms. Troutman explained that the WATS identifies what the ultimate roadway network needs to be, and then each development order inherently lists the roadway improvements that need to be done consistent with what is in the WATS study.

Councilwoman Caraballo inquired if moving the retail from internal to external would change the formula for the WATS and the requirements for Riverland to build the road. In response, Ms. Troutman stated that Mr. Kelley's report addressed the movement of these parcels and there was no net increase in external trips and no change to the assumptions. Mr. Kelley confirmed that this information was correct.

Councilwoman Caraballo questioned if they were essentially, in the approval of these documents, changing or pushing out the timeframe of some of these requirements. Mr. Kelley responded and explained that

because of the trip threshold that was not necessarily the case. He stated the development order has requirements at certain thresholds and requests, so they have to monitor for a level of service capacity threshold. Mayor Oravec expressed his concern with the time lag that this hindsight might create. Councilwoman Caraballo stated that she wants to make sure that the City of Port St. Lucie and its residents are protected in this process.

Mr. Hunter continued with his closing. He noted that their version of the amendment says "whenever any paragraph has been deleted and replaced in its entirety in this agreement as intended by the parties that the deletion and replacement is as to Riverland only and shall not be of impact to the other developer." He also indicated that the amendment to the Annexation Agreement says "the terms and conditions and provisions of the development order shall be the controlling document in the event of any inconsistencies." He said the development order sets out who has to build the roads and the roads get built based on their trips. He stated that the applicant is asking to make some minor modifications in a development order. He showed Council a video clip of Larry Portnoy dated 07/09/12 discussing Becker Road. Mr. Hunter stated the point of Mr. Portnoy's comments is that GL Homes will pay for it, if it is consistent with the lane mile allocations and Wilson Groves picks up other obligations to offset GL Homes paying for those two lane miles.

Mr. Kevin Ratterree, Vice President of GL Homes, stated this has always been about the fairness and allocation of lane miles. He said for the record, when the City sends them a letter, GL Homes will send the City a check to fund their portion of Becker Road. He respectfully requested the City require the same of the other parties.

The meeting recessed at 4:21 PM and reconvened at 4:35 PM.

Mayor Oravec read into the record two memos, dated 09/10/1012 and 02/06/2013, written by him when he was the City Manager. He said his position has not changed and it did not change in 2015 when he joined the elected body and became Mayor. He stated this is what he will say when deposed or under oath at trial. He noted that professionally one of his greatest disappointments is not getting these parties to agree in 2012-2013. He said he thinks Becker Road is the answer going forward. He stated if approval happens today, he will ask that a default be declared on the Annexation Agreement.

Vice Mayor Martin stated the City should declare a default, build Becker Road, and have the developers pay the City, so they can move forward. She said she is not going to hold up Riverland, because they have followed through on everything.

Councilman Pickett stated that staff needed to own some of the responsibility as well as the developers. He said he agrees that the developers should pay the City, but that Council should table this until both parties pay their portion.

Councilwoman Caraballo stated that they need to complete the Annexation Agreement. She said she does not want to hold up Riverland, because she does not want to hold up any developer that is trying to positively impact their City. However, they need to protect the interests of the City and its residents. She stated that it is time to call it and get Becker Road done. She explained that she is going to be very critical and question changes, such as moving neighborhood commercial and how it will affect traffic and the roads. She said she wants to make sure all their obligations are completed as promised.

Mayor Oravec stated that he would like an annual update, based on projections and the last few years of development, when certain connections throughout the City will happen and that it be presented as part of Council's Retreats. He said he would also like this information for the area of land that is subject to this item under discussion.

Councilwoman Caraballo explained that she would like to continue the conversations with the Governor regarding his Executive Orders and State of Emergencies, as they do not always benefit the City of Port St. Lucie.

Councilwoman Morgan stated that she agreed with the Annexation Agreement. She said the solution is to have Becker Road go completely through to Range Line Road. She stated that they need to move forward and build that road.

Regarding Councilman Pickett's comments, Vice Mayor Martin explained that it has always been Council's decision as to whether or not they want to move forward with the default. Mayor Oravec stated that he wants proposed solutions from staff with specific discussions on traffic and how to get there. Councilwoman Caraballo noted that staff

will have to provide comprehensive solutions as to how they deal with future traffic studies and the Western Annexation Traffic Study (WATS) analysis, so they are consistent.

Mayor Oravec inquired if the rule, allowing the developer to develop up to 40% if there is a default, was still in the amended Annexation Agreement. The City Attorney stated that this would be part of the analysis. He said before staff comes back with a recommendation to declare a default, they want to research the overall affects.

Mayor Oravec explained that he would rather continue this item and receive the clarification from the City Attorney, to keep pressure on the parties to come to an agreement. Councilwoman Caraballo inquired when staff could come back to Council with a recommendation or the unintended consequences if the City declares a default. The City Attorney indicated that staff could come back at the next Council Meeting, as the legal research could be done in one week.

There being no further comments, the Public Hearing was closed.

Councilwoman Morgan moved to approve Ordinance 20-57. Vice Mayor Martin seconded the motion. The Assistant City Clerk restated the motion as follows: for approval of Ordinance 20-57. The motion passed (4-1) by roll call vote, with Councilman Pickett dissenting.

Councilwoman Caraballo moved to approve directing staff to complete a review of the Annexation Agreement and if there is a breach to notify any party of default. Vice Mayor Martin seconded the motion, which passed unanimously by voice vote.

This Ordinance item was Approved.

## 6. First Reading of Ordinances

- 6.a** Ordinance 21-19, An Ordinance Rezoning Property Located South of Discovery Way and West of Community Boulevard from St. Lucie County AG-5 (Agricultural - One Dwelling Unit per Five Acres) Zoning District to a MPUD (Master Planned Unit Development) Zoning District for a Project Known as Riverland/Kennedy Parcel B (P20-175).

[2021-055](#)

(Clerk's Note: This item was heard after Item 7.a.)

The Assistant City Clerk read Ordinance 21-19 aloud by title only.

There being no discussion, Vice Mayor Martin moved to approve Ordinance 21-19. Councilwoman Caraballo seconded the motion, which passed unanimously by voice vote.

**7. Resolutions**

- 7.a** Resolution 21-R07, Quasi-Judicial, Public Hearing, A Resolution Approving the Fourth Amendment to the Riverland/Kennedy Development of Regional Impact (DRI) Development Order , Including Changes to Map H, the Master Development Plan, and the Conditions of Approval (P20-162).

[2021-016](#)

\*Revision to Exhibit B on 3/8/21\*

(Clerk's Note: This item was heard after Item 5.a.)

The Assistant City Clerk read Resolution 21-R07 aloud by title only.

Mayor Oravec opened the Public Hearing. There being no comments, the Public Hearing was closed.

Mayor Oravec requested that all the presentations, evidence, and testimony that have been provided today be entered into the record.

Vice Mayor Martin moved to approve Resolution 21-R07. Councilwoman Morgan seconded the motion.

The City Attorney asked if a condition could be applied to Riverland/Kennedy to pay for its proportionate share of Becker Road.

Gary Hunter with Riverland/Kennedy stated that they were okay with the condition, but the City needs to develop the cost and GL Homes needs to build the two lane miles or the mile through their property.

Kevin Ratterree, Vice President of GL Homes, stated that under the Annexation Agreement the City has to prepare a cost estimate for the construction, notify the developers as to the cost, and ask for the funds. He said when the City notifies GL Homes of the required funds, they will stroke a check and send the funds to the City within 24 hours. Therefore, the City will not need to find them in default.

Tony Palumbo with Mattamy Homes/Southern Groves stated that they

are currently building Becker Road, two lanes, from approximately where it ends now to about 50% towards Community Boulevard. He said that GFC land falls under the responsibility of Southern Groves, so they will be obligated to their proportionate share on whatever is agreed to today. Mr. Palumbo stated that Mattamy was looking for this to go away, so that they can focus on building homes. He said they will get their portion designed and built to match whatever GL Homes is willing to do.

Council discussed the Annexation Agreement and agreed that a condition was not needed.

The Assistant City Clerk restated the motion as follows: for approval of Resolution 21-R07. The motion passed unanimously by roll call vote.

**8. Adjourn**

There being no further business, the meeting was adjourned at 5:23 PM.

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Karen A. Phillips, City Clerk

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Traci Mehl, Deputy City Clerk