MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JUNE 23, 2015

The Bastrop City Council met in a Regular Meeting on Tuesday, June 23, 2015 at 6:30 PM at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus and Council Members, Kelly Gilleland, Kay Garcia McAnally, Willie DeLaRosa, Dock Jackson, and Gary Schiff.

1. **CALL TO ORDER**

At 6:30 PM Mayor Kesselus called the Meeting to order with a Quorum being present.

2. **PLEDGE OF ALLEGIANCE**

Ms. Pat Crawford led the Pledge of Allegiances to the American Flag and the Texas Flag.

3. **INVOCATION**

The Reverend Bernie Jackson led the Invocation

4. **PRESENTATIONS** –

1. Partnership dialogue – Bluebonnet Electric Cooperative, General Manager Mr. Mark Rose Gave an overview of the history and relationship of BEC and City of Bastrop. Mr. Rose Was available to the Council for questions. Mayor Kesselus thanked Mr. Rose for Speaking to the Council and audience.

2. Boys and Girls Clubs of Bastrop County – Board Member Ms. Jo Albers gave a PowerPoint And provided history about the Boys and Girls Club. There was discussion on the facility they hope to build on the donated Bob Bryant Park land. Ms. Jennifer Johnson, whose sons Seth and Jaden attend the Boys and Girls Club had high praises for the education and support They have received from the Club and feels they have contributed to her sons growth and Potential. Mr. St. Julian, Executive Director gave a heartfelt overview and goals for the future And welcomed a partnership with the City. Ms. McAnally gave thanks to all for the presentation And what they do for children. Ms. McAnally asked the Mayor if the City and Boys and Girls Club could have a partnership dialog as she feels this is such a good investment and feels the City Should help out with getting the facility built. Mayor Kesselus suggested that a Council Member And someone from Bastrop Community Cares could get with Board and see what could be done To help. The Mayor would like to see the City involved as well.

3. West Bastrop Village Municipal Utility District - Update on Project. Using Benchmark Land Development Agreement Myra Gap gave overview of the original MUD Agreement. CM Talbot stated that the project never made it to the point to enter into a development agreement. The Petition Requesting consent from the City to West Bastrop Village MUD application for Road Power Authority was explained to Council.

5. **PROCLAMATIONS** - NONE

6. **CITIZEN COMMENTS** - NONE

7. **ANNOUNCEMENTS**

1. Dock Jackson reminded all of the Volunteer Appreciation from 4-6 PM at the Main Street Office.

2. Mr. Chester Eitze from the Bastrop Opera House presented the Council with a framed Certificate of Gratitude for their invaluable support for the 20th Annual TNT Youth Conference.

<u>City Manager's Informational Report for the June 23, 2015 City Council Meeting:</u>

I. Meetings and Events Attended:

A. Attended the Regular Monthly Meeting of the Bastrop Economic Development Corporation on June 15, 2015.
B. Attended the Regular Monthly Meeting of the Lost Pines Groundwater Conservation District.

II. Update on City Projects and Issues:

A. Discussion and Review of Water Usage for the period of May 1, 2015 through June 21, 2015 2015.
B. Update on the Long Term Water Supply Project.
C. Update on the AMI Project.
D. Update on the FY-16 Budget
E. Update on Current City Infrastructure Projects:
    A. Farm Street Reconstruction Project [Smith Construction]
    B. Water, Haysel & Spring Streets Infrastructure Project. [Facility Maintenance]
    C. Tahitian Village Overpass Project
    D. Alley D Improvements
    E. Water Filtration Project
F. Update on the Comprehensive Plan.
G. Update on the work Accomplished in the Northern area of the City.
H. Update of the Agreement between the City of Bastrop and the Homecoming Committee.
I. Management/Administrative Activities

III. Other City Activities:

A. City of Bastrop Convention Center Activities.
B. The City of Bastrop Main Street Program.
C. Planning Department – Inspection Report.
D. Update on the YMCA Program.

Inviting input from the City Council related to issues for possible inclusion on future agendas related to issues Such as (but not limited to) municipal projects, personnel, public property, development and other City Public business.

Item D – CM Talbot reminded Council about the Budget Workshop on July 7, 2015. At that time he will lay out the C-O's program. There will be food.

Item F – CM Talbot reminded Council that the Comprehensive Plan Consultants were approved at last meeting.
1) The initial conference call will be held this week.
2) Consultants will be here during the week of July 20-17, 2015
3) The first session with Council will be July 21, 2015 at 6:00 PM at City Hall.
4) Discussion held about appointing the two members from Council. Mayor Kesselus asked for

A motion. Mr. Jackson made the motion to appointment two Council Members to be on Planning Committee For the Comprehensive Plan if a need arose. Mr. DeLaRosa seconded the motion which passed unanimously. Mayor Kesselus stated he would like to be on the Committee. Ms. McAnally volunteered to be on the Committee as well. Mr. Schiff made the motion to allow Mayor Kesselus and Ms. McAnally be the Council Representatives. Ms. Gilleland seconded the motion which passed unanimously.

Item H – CM Talbot met with Tanya Mathison of the Bastrop Homecoming Committee and signed the new Agreement which is now in place. He explained that the next step would be for the City to begin defining the Policies and procedures for the Arena.

Item I – Ms. McAnally requested that the report from Cami Hardee is long since coming and would like That report to be on the next agenda. Discussion was held and decided that the Report from Hardee and Partners will be next Regular Council Meeting as well as the Vision Task Force plan report.

Ms. Gilleland asked if should could speak on a couple of items that were not listed on his report. She asked CM Talbot if he had a date which the Council would here from Ms. Word on her Report. CM Talbot stated he would discuss that in Executive Session. She also asked for an update On the Alley B lighting. Mr. Talbot stated that is posted for Executive Session and will be discussed at that Time.

A. CONSENT AGENDA

All the following items are considered to be self-explanatory by the Council and will be enacted with one motion; there will be no separate discussion of these items unless a Council Members so requests.

A.1) Second Reading: AN ORDINANCE GRANTING A ZONE CHANGE FROM MF-2, MULTI-FAMILY DWELLING -2, TO PD, PLANNED DEVELOPMENT FOR APPROXIMATELY 11.02 ACRES WITHIN THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, LOCATED WEST OF THE TERMINUS OF CHILDERS DRIVE WITHIN THE CITY LIMITS OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND ESTABLISHING AN EFFECTIVE DATE.

A.2. Consideration, discussion and possible action regarding approval of minutes from Regular Council Meeting March 24, 2015 and May 26, 2015 and Special Council Meeting June 4, 2015.

A.3. Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Replat of Lot 1, J&T Hoover/W-2 Sub division and Lot 2A and Amended Plat of the Morris Addition located within the city limits of Bastrop, Texas.

A.4 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Amending Plat of Tahitian Village, Unit 5, Block 24, Lots 5-1301, 5-1302, and 5-1303 located within Area A of the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

A.5 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Replat of Lot 1, J&T Hoover/W-2 Sub division and Lot 2A and Amended Plat of the Morris Addition located within the city limits of Bastrop, Texas.

A.6 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Final Plats of The Colony MUD 1D, Section 1, Phase A and B located within Area A of the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

A.7 SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF BASTROP, TEXAS, AMENDING ORDINANCE SECTION 1.02.002(d)(2) RELATED TO DATES FOR UNIFORM TRAINING FOR MEMBERS OF CITY BOARDS AND COMMISSIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A.8 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Bastrop Village West (MUD) Phase 1, Section 2 Preliminary Plat (37 residential lots) located west of Highway 20 and south of Highway 71 West being approximately 7.116 acres out of the Nancy Blakey Survey, Abstract No. 98 within the City of Bastrop, Texas 1 mile Extra Territorial Jurisdiction (ETJ).

A.9 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Bastrop Village West (MUD) Phase 1, Section 1 Preliminary Plat (42 residential lots) located west of Highway 20 and south of Highway 71 West being approximately 10.718 acres out of the Nancy Blakey Survey, Abstract No. 98 within the City of Bastrop, Texas 1 mile Extra Territorial Jurisdiction (ETJ).

Mr. DeLaRosa moved to approve the Consent Agenda, seconded by Ms. Gilleland and approved unanimously.

Mayor Kesselus called for a 5 minute break. Mayor Kesselus thanked everyone in attendance for various business with the City.

EXECUTIVE SESSION

At 8:12 PM, Mayor Kesselus convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq,* to discuss the following:

SECTION 551.071(1)(A) & SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to water permits and supply and/or (2) matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda including contracts.

At 9:17 PM, the Bastrop City Council reconvened into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items. **NO ACTION TAKEN**

Mayor Kesselus suggested that Council move to item D.1. As this would allow the presenter's to present and leave. All in favor.

D. NEW BUSINESS

D.1 Presentations by Organizations seeking funding from the Hotel Occupancy Tax for the 2016 Fiscal Year.

- **a.** Bastrop Chamber of Commerce- Becky Womble spoke on behalf of C of C Ms. McAnally had various questions for Ms. Womble. Discussion held.
- **b.** Bastrop County Historical Society – Libby Sartain spoke on behalf of BCHS
- **c.** Bastrop County Women's Shelter dba Family Crisis Center – Charlotte Peach spoke on behalf of Family Crisis Center
- **d.** Bastrop Downtown Business Alliance – Nasim Kassoauri Spoke on behalf of DBA
- **e.** Bastrop Homecoming Committee – Lori Chapin spoke on behalf of the Committee
- **f.** Bastrop Juneteenth Committee – Dock Jackson spoke at the request of Cladie Haywood
- **g.** Bastrop Old Town Visitors Center- Libby Sartain spoke on behalf of Visitors Center
- **h.** Bastrop Opera House - Chester Eitze and Ms. Pat Crawford spoke on behalf of Opera House Mr. Schiff asked Ms. Crawford if she could explain the original Yesterfest event, she complied.
- **i.** Friends of Fairview Cemetery – Terry Sanders spoke on behalf of Fairview
- **j.** Tough Mudder, Inc. – Representative unable to attend
- **k.** Upstart, Inc.- Donald Barren spoke on behalf of Upstart
- **l.** YMCA of Austin/Bastrop Branch - Ms. Terry Moore spoke on behalf of YMCA

Each presenter gave a brief overview of their organization and the various events they are requesting funding for. Council interacted with presentations and asked questions and additional information.

B. PUBLIC HEARINGS, ORDINANCES, & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION

B.1 **CONDUCT A PUBLIC HEARING** to receive Citizens input on the Walmart Replat Store #1042, the Resubdivision of a Portion of Lot 1, Bastrop West Commercial, Section 2, being +/-0.856 acres within the city limits of Bastrop, Texas.

City Engineer Wesley Brandon explained the item to the audience and Council that this was Murphy Oil and would be part of Wal-Mart. There were no comments, Mayor closed the public hearing

B.2 Consideration, discussion and possible action on a request for the Walmart Replat Store #1042, the Resubdivision of a Portion of Lot 1, Bastrop West Commercial, Section 2, being +/-0.856 acres within the city limits of Bastrop, Texas.

Mr. DeLaRosa made the motion to accept the item. Ms. Gilleland seconded the motion which passed unanimously.

C. OLD BUSINESS

C.1 Consideration, discussion and possible action approving a contract between The City of Bastrop and Progressive Waste Solutions for "Solid Waste and Recycling Services for the City Of Bastrop"

Mayor Kesselus made reference to an email that is now a matter of public record as it came to Council Members from Mr. Rick Fraumann from Texas Disposal Systems Inc., in which he Mr. Fraumann) stated that it would be inappropriate limitation for the City of Bastrop to word our Agenda Item C.1 that we now have. Mayor Kesselus stated he had spoken with Mr. Fraumann's Boss and he apologized and stated he thought Mr. Fraumann had a good understanding of parliamentary procedure. Mayor Kesselus felt he needed a remedial course. Mayor Kesselus stated in the term of the integrity of my office and my leadership which he feels has been one of fairness and understanding as the presiding officer that all he did for this meeting was post this item according to the motion that Mr. DeLaRosa made last meeting saying lets postpone this item until the next meeting which is exactly what I have done, and to make that clear I put it on Old Business. The issue of a vendor trying to tell us how to run our business aside, that I understand parliamentary procedure, I have checked with Mr. Jackson and what I did was completely proper and I hope that I will continue to make those wise decisions in the future and others will not question my judgement especially when we are doing something right. I think the Mayor's office is important in this community and I wanted to say those personal words to the public. Mayor Kesselus called on CM Talbot who gave an overview of Item C.1. From my perspective my recommendation remains as it did on June 9th. I assembled a team of employees including our Utility Supervisor, our CFO, the Deputy Financial Officer who is now the Interim CFO, our Director of Public Works, the City Attorney and myself. We worked with the consultants, Burns and McDonald, who provided us with guidance with putting together the RFP. We held pre-bid conference and answered questions, provided feedback and everything was done in accordance with proper procedures. At the conclusion of the scoring, the company that came out on top with the highest score was Progressive Waste Solutions for Solid Waste and Recycling Services and that remains our recommendation. Mayor Kesselus thanked Mr. Talbot and made reference to having a good conversation about this at the last meeting which Ms. McAnally was not present at. Mayor asked if it would be better for the people to speak before we deliberate further. Mayor Kesselus stated he would call on people in the order in which he received the request to speak forms.

Dorothy Skarnulis, Keep Bastrop County Beautiful spoke to the Council about increasing the Recycling Program. She would like to see Bastrop have the highest rate of recycling in the State. She hoped the City would enter into a Solid Waste Contract that promoted recycling. CM Talbot confirmed that Progressive does include a $10,000 education program.

Tom Ebenhouse, District Manager for Progressive Waste Solutions, expressed his excitement in being the Company that has been recommended by the City's Team. He feels that their RFP does stand above the other proposers. Mr. Schiff asked how Progressive expects to enhance the recycling program and increase the public's desire to recycle. Mr. Ebenhouse stated that their programs are very comprehensive and they like to work in the schools and business's to help get the word out.

Glen Schankle, Consultant to Progressive Waste and sometimes a lobbyist, however I have chosen not to lobby you all tonight. He discussed a correspondence which indicated that Progressive could not handle this waste contract in Bastrop. He stands behind Progressive.

Steve Shannon, Progressive Waste Solutions Project Manager. Feels their proposal and actions speaks for itself. We respect and have respected the staff, engineers and the process and we offered more things for the City. Progressive brings a lot of strength and we are ready to get a partnership with the City of Bastrop going.

Jimmy Esparza, Progressive Waste, will be servicing the City of Bastrop if awarded contract. Wanted to make the Council aware that Progressives Transition Period is second to none.

Rick Fraumun – Texas Disposal Systems, handout with PowerPoint slide and email. He gave a brief outline of some of the items in their RFP. He wanted to address two questions from the last meeting that he does not believe were made public. He stated that TDS was deducted a large number of points for not providing 4 days of service. The size of the City does not really allow for 4 days of service. We proposed 2 days per week. Not sure why less trash days in the City would be a bad thing. Less days of trash trucks in the City is typically a good thing. He went on to say that their proposal of trash and recycling on different days works in similar sized cities. At the last meeting, Ms. Gilleland asked where were added value of things like art work, sculptures, recycling program, schools, disaster relief, ownership of facilities, where do those added values get put into the evaluation process. He stated that he was not sure how that was calculated or if it was. He requests that Council vote no on the Agenda Item tonight and give some direction to Council to negotiate with TDS and so we can have contract ready by the next meeting to meet your August 31, 2015 deadline.

Bobby Gregory, TDS, stated that he and his brother started the company 38 years ago and have a lot of experience in this area. He addressed the handout which is our marked up copy of the review you had last meeting. He urged Council to disregard the City Staff interpretation as to how the award of the contact may be conducted as discussed in today's email, which is also attached. He stated he was very concerned that CM Talbot did not report to Council and apparently did not include the scoring that TDS presented a lower rate than Progressive. It makes me wonder if other things we presented were overlooked when the scoring and evaluation was done. He stated that he feels the two rates provided by TDS is certainly competitive with the lowest rate option for the City. He stated he feels that the Staff has not yet captured what the Council may feel is important. The Council should hopefully receive all of this information before making your final decision. TDS owns and controls its one type 1 landfill, recycling facility, compost facility, special events and disaster response department and own entertainment and education facility.

Seth Cunningham, Burns and McDonald Consultant. Mayor Kesselus asked for Mr. Cunningham to provide a quick version of the process our Staff went through regarding the RFP and the scoring sheet. The first step in the process was a daylong meeting with City Staff to go over a "laundry list" in what the City wanted to be part of the RFP and it was a very detailed and long discussion on the various parts of the RFP. For Burns and McDonald it is a very common process, but once the RFP is complete it is a very customized RFP. The RFP was issued in mid-March and there was a Pre-Proposal Meeting April 1, 2015 and during that meeting all the firms that submitted and were present, we went through the RFP page by page and identified the process. All firms present were able to ask questions and to request changes to the RFP. April 1 through April 10 was an additional period to submit additional questions. We collected all the questions, responded to them all in writing and in some instances we made modifications to the RFP, for example one was the performance bond where we actually decreased the amount of the bond. One item specifically asked by TDS was the refuse and recycling pick up could be on different days. The RFP required that the refuse and recycling be on the same day and we did respond that we did want to keep those on the same day as a requirement for a number of reasons.

At the time that we received all of the proposals the committee went through all of the written proposals and made a preliminary score as to who would be short listed for the interviews. We did 4 interviews. After the interviews were complete we did the final scoring. In terms of the lower cost proposal submitted by TDS the $14.05 number was an unsolicited number provided and did not meet the requirements since the refuse pickup and recycling pickup were on different days. Therefore that number was not scored. In the end you are getting a better proposal from Progressive than from TDS. Basically the City is getting all the things it asked for in the RFP. Mayor Kesselus asked if Mr. Cunningham had all the criteria set before they even looked at bids and Mr. Cunningham stated yes. Mayor asked him if the interviews were done based on this same criteria. Mr. Cunningham said yes. Mayor asked if the scoring was done by the individuals on the committee and not by the consultants. Mr. Cunningham stated that the consultants are non-voting members of the committee so that would be true and that all scoring was done blindly and individually by the committee voting members.

Mayor Kesselus asked CM Talbot to remind the Council who the committee was and their specific knowledge and expertise. CM Talbot stated that the first person picked was the Utility Supervisor, Ms. Tracey Moffitt. She was critical because she is the first line person who deals with the citizens for trash concerns, recycling, broken carts and a variety of other issues and she provides insight as to what the citizens have come to expect from the City. Next was Chief Financial Officer, Karla Stovall until she left in May for another positon. The Deputy Chief Financial Officer, who is now the Interim Chief Financial Officer, Tracy Waldron they are an integral part of the process because the integrate with the Utility Office for utility billing and coordination and they pay the waste hauler and help to cover some of our administrative costs. Next would be our Director of Public Works, Trey Job. His expertise was very valuable on the insight of roll offs, dumpsters and what would be good practices to look at. As Seth said, it was a long day in December and as we reflected upon what we felt the Council's expectations were and what the citizens' expectations were when we began putting the building blocks together for the RFP. Scott and Seth were very helpful in helping us to adjust in areas as needed and keep everything on track. They also helped us establish the scoring criteria so that when we received the RFP's we could go through the proper scoring and as Seth stated, they did not participate in the scoring but when scoring was complete there was no discussion until all sheets were turned in. No one knew what the other persons scored and to this day still don't know what each other voted.

Mr. Cunningham stated that one thing he wanted to make clear is the evaluation criteria was included in the RFP.

Mayor Kesselus made reference about a conversation he heard about when the garbage was picked up and something we wanted was different from what somebody else wanted. Mr. Cunningham stated that what we had in the RFP was our preference to essentially keep the collection dates the same to simplify things for our residents, to provide an easier transition. The Mayor stated basically what we are used to. However, this was a preference and not a requirement of the RFP, however those companies who did provide that, obviously scored higher than those who did not. So the Progressive RFP included that trash, brush and recycling pick up dates would remain the same. Mayor Kesselus thanked Mr. Cunningham. CM Talbot stated that another person on our team that was very valuable was our City Attorney, Ms. JC Brown as I wanted to be sure we were in complete compliance with state procurement laws and also give her input to how the RFP was developed. Mayor Kesselus asked for questions, none were asked. The Mayor stated that this an item posted for action and read the Item C.1 and asked if there was a motion to approve the item.

Council Member Dock Jackson made the motion to approve the recommendation by the City Manager to award the solid waste contract to Progressive Waste Solutions. Motion was seconded by Willie DeLaRosa.

Mayor asked for any discussion. Mr. Jackson confirmed the process as he understood it which Mayor Kesselus agreed it was correct. Mr. Schiff stated he was the new guy on the block but he stated that he had the opportunity to sit down with the City Manager, City Attorney and Consultant to go through the process. I had a chance to look at some of the letters we had, challenging some of the proposals we had, and asked the consultant how each of the proposers answered each of those issues and which item has the best option. He stated that he does like to option to be able to take his trash container and recycle container out to the curb on the same day. He stated he wants his trash containers out by the curb as little as possible. So when a proposer might say it is not a big issue whether we do it this way or that way be actually be a big issue to the citizens. It appears to me that we put out everything we wanted and got some good responses and some not so good. Mr. Schiff believes the process was fair. Ms. McAnally thanked Gary from Republic Services for doing an excellent job for the City. Ms. Gilleland reminded all that the role of the Council is to set policy which is what they did by authorizing the City Manager to proceed with the RFP process which she thanked the City Manager and his team for all the hard work and agrees that we follow the process. CM Talbot reminded all that the Council was given a monthly update in January through May regarding the solid waste RFP. Mayor Kesselus stated that was accurate and the Council appreciates everything. Mayor Kesselus asked for a vote and stated he hoped all would vote what is best for the community.

Motion passed unanimously. Mayor Kesselus commended CM Talbot and the City Team for doing an excellent job on this.

D. NEW BUSINESS

D.2 Consideration and possible action on a waiver request regarding the City of Bastrop's policy related to installation of "temporary water meters" for construction.

City Engineer, Wesley Brandon gave the Council an overview of the item. Mr. Coy Lowden with Lowden Excavating addressed the Council. He explained the company's desire to obtain water from a hydrant meter at the job site as opposed to going to the water treatment plant. They would apply a device that would provide the same water flow as a residential meter into a water tower which is where we would pull water for our trucks from. Ms. Garcia McAnally expressed concerns about the rise in dirty water calls which has in the past proven to be significant during periods of construction. Mr. DeLaRosa was concerned about what kind of precedence we would be setting if we grant the first variance we get and reminded Council that we approved this Ordinance for a reason. It would set up for everybody wanting a variance. Mayor Kesselus asked how much the City spent to get our gray water ready for sale. CM Talbot stated about $15k. Discussion continued. Mr. Schiff suggested that the City restrict how much water can be drawn off the meter. Mr. Talbot stated that this could be something that could be worked into the Ordinance as long as the City was not in the drought contingency plan and was not receiving dirty water calls. If these items became an issue than the contractor would have to use the reuse water. Ms. McAnally is very concerned with why we would use our drinking water for construction water. She stated that the City had gone to a lot of trouble and expense to use the reuse water. Discussion continues. Mr. Schiff suggested that we evaluate how this Variance works and then decide if we need to amend the Ordinance.

Dock Jackson made the motion to grant the Variance request, however it would be contingent upon contractor monitoring the water flow rate as set by City Manager. Ms. Gilleland seconded the motion. Vote taken with Jackson, Kesselus and Gilleland voting YES. Mr. DeLaRosa and Ms. McAnally voting NO. Motion carried 3 to 2

D.3 BOARD APPOINTMENTS: Consideration, discussion and possible action regarding Resignation, Appointments and Removal. I appoint **Jimmy Crouch** to the Parks Board and Tree Advisory Committee, for the remaining unexpired term of Mark Gracy. If Council affirms this appointment, I ask that Council remove Mr. Crouch from the Construction Standards Board. If Council complies with Mayor's request for the previous two items, Mayor Kesselus appoints **Dianna Rose** to move from Alternate 1 to the position currently held by Mr. Crouch on the Construction Standards Board.

Mayor Kesselus explained the item to the Council. Ms. Gilleland stated that a citizen had asked her to ask Mayor Kesselus and City Attorney JC Brown that is the appointment of Mrs. Rose considered the same as appointment Mr. Rose to a board or commission based on the Ethics Ordinance. Mayor Kesselus stated that he did not work for Mrs. Rose and Mrs. Rose did not work for him. Ms. Brown explained a portion of the Ordinance with respect to identifying a person within the first degree by either marriage or blood is the same as the person. Ms. Brown confirmed that it is the same according to our Ordinance. Mayor asked Ms. Brown if she was saying that Ms. Rose could not be on any board. Ms. Brown stated that as the spouse of Mayor Kesselus' employer, per the Ordinance she could not. Mayor Kesselus asked if Ms. Brown would want to call and explain it to Ms. Rose since, this would mean she will be removed from two boards. Ms. Brown said she would if the Mayor wanted her too. Mayor Kesselus asks the Council to approve the first part of the item. Mr. DeLaRosa made the motion to remove Jimmy Crouch from the Construction Standards Board and place him on the Parks Board. Ms. Garcia McAnally seconded the motion. Motion passed unanimously.

D.4 Consideration, discussion and possible action accepting the "Petition Requesting onset of the City of Bastrop to West Village Municipal Utility District's Application for Road Power Authority," submitted by Allen Boone Humphries Robinson LLP for Bastrop West Village MUD.

CM Talbot gave overview of the item dating back to 2003. This item should have been included in the creation of the MUD but was not. Ms. Garcia McAnally asked CM Talbot if he recommended approval and he stated yes. Ms. McAnally moved to approve the item. Mr. DeLaRosa seconded the motion. Motion passed unanimously.

D.5 Consideration, discussion and possible action regarding approval of a Resolution Consenting to the Application to the Texas Commission on Environmental Quality for Acquisition of Road Powers, by West Bastrop Village Municipal Utility District.

Ms. Brown explained that this item was simply approving the Resolution needed for Item D.4. Ms. McAnally asked CM Talbot if he agreed and he stated yes. Ms. McAnally moved to approve this item. Mr. DeLaRosa seconded the motion. Motion passed unanimously.

E. EXECUTIVE SESSION – None Held

F. ADJOURNMENT

At 11:56 PM, Council Member DeLaRosa moved to adjourn. Council Member Schiff seconded the motion. Motion passed unanimously.

APPROVED:

ATTEST:

Traci L Chavez