

**RESOLUTION R-2023-128**

**A RESOLUTION OF THE CITY COUNCIL OF BASTROP APPROVING AMENDMENT NUMBER 1 TO CAPITAL AREA COUNCIL OF GOVERNMENTS (COPCOG) LEASE OF SITE FOR AIR QUALITY MONITORING FOR A PORTION OF PROPERTY IN THE CITY'S MAYFEST PARK, LOCATED AT 25 AMERICAN LEGION DRIVE, FOR A TERM OF THREE (3) YEARS FOR A TOTAL RENT OF \$1.00 (ONE DOLLAR); AS ATTACHED IN EXHIBIT A; AUTHORIZING CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTATION; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Central Texas Clean Air Coalition (CAC), of which the City of Bastrop is a member, is charged with the development and implementation of a clean air plan to maintain compliance with federal air quality standards and the development of policies and strategies to guide CAC members about actions that will achieve clean air in Texas; and

**WHEREAS**, the CAC has requested that the City of Bastrop take action to formally participate in a regional air quality plan for 2023-2026; and

**WHEREAS**, the Capital Area Council of Governments (CAPCOG) approached the City of Bastrop and Bastrop County in 2018 to relocate an air quality monitor near a center of population; and

**WHEREAS**, the City and Bastrop County researched several locations in conjunction with CAPCOG, and Mayfest Park was selected due to its location, accessibility, and readily available utilities; and

**WHEREAS**, CAPCOG relocated an air quality monitor from McKinney Roughs that needed to be closer to a more populated area and away from trees, which can interfere with ozone measurements to Mayfest Park; and

**WHEREAS**, controlling and reducing emissions of nitrogen oxides (NOx) and improving public awareness about air quality are critical to supporting the goals of the regional air quality plan; and

**WHEREAS**, participating with CAPCOG on this project continues the policy, previously set by City Council, to assist other local governmental entities with projects that are mutually beneficial; and

**WHEREAS**, as of January 15, 2019, the City of Bastrop entered into a Capital Area Council of Governments Lease of Site for Air Quality Monitoring for a term ending on December 31, 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:**

**Section 1:** That the City Council authorizes the City Manager to enter into Amendment Number 1 to a Lease of Site Agreement with CAPCOG for a portion of property at Mayfest Park for a term of three (3) years at a total rent of \$1.00 (One Dollar).

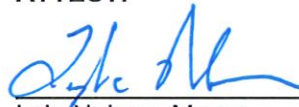
**SECTION 2:** All orders, ordinances, and resolutions, or parts thereof, which are in conflict or

inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

**Section 3:** That this Resolution shall take effect immediately upon its passage, and it is so resolved.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop this 26<sup>th</sup> day of September 2023.

ATTEST:



Lyle Nelson, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Rezin Pullum, Assistant City Attorney

**AMENDMENT NUMBER 1 TO  
CAPITAL AREA COUNCIL OF GOVERNMENTS "LEASE OF SITE FOR AIR QUALITY  
MONITORING"**

**Recitals**

The Capital Area Council of Governments ("CAPCOG") is a regional planning commission and political subdivision of the state of Texas organized and operating under the Texas Regional Planning Act of 1965, as amended, chapter 391 of the Local Government Code. The City of Bastrop ("City") is a city that has leased land to CAPCOG for the purpose of ambient air quality monitoring since January 6, 2019. This agreement was authorized by Chapter 791 of the Government Code and is captioned "Lease for Air Quality Monitoring" (hereinafter "Original Lease").

**Purpose of Amendment**

The purpose of Amendment Number 1 is to extend the Term of the Original Lease from its current end date of December 31, 2023, to December 31, 2026, in order to enable continued collection of ambient air quality data at this site through the expiration date of CAPCOG's 2019-2026 Regional Air Quality Plan Addendum.

CAPCOG and City are willing to amend the Original Lease agreement as stated below. This Amendment is pursuant to the authority implicit in Article 8.2, which indicates that the Original Lease may be amended by a writing signed by all parties.

**REVISION 1.** Section 3. "Term" is amended as follows:

"3.1 This Lease begins on the date it is executed on behalf of City and it ends December 31, ~~2023~~2026."

Sections 3.2 is not affected by this Amendment and remain as seen in the Original Lease.

**Miscellaneous**

Each individual signing this Amendment 1 to the Original Lease on behalf of a party warrants that he or she is legally authorized to do so and that the party is legally authorized to perform the obligations undertaken.

This Amendment 1 to the Original Lease is executed in duplicate originals.

Except as amended herein, the terms and conditions of the Original Lease remain in full force and effect.

CITY OF BASTROP

By: *S Carrillo*  
Sylvia Carrillo  
City Manager

Date: Sep 27, 2023

CAPITAL AREA COUNCIL OF  
GOVERNMENTS

By: *Betty Volghts*  
Betty Volghts  
Executive Director

Date: 4/15/24