



Bastrop City Council

1311 Chestnut Street, Bastrop, Texas 78602
Phone (512) 332-8800 Fax (512) 332.8819

PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, THE BASTROP CITY COUNCIL WILL HOLD A **REGULAR MEETING** ON **August 26, 2014** AT **6:30 PM** AT THE CITY COUNCIL CHAMBERS LOCATED AT 1311 CHESTNUT STREET, BASTROP, TEXAS TO CONSIDER THE FOLLOWING MATTERS.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE – Karla Stovall, Chief Financial Officer
PRAYER – The Reverend C.A. Williams, Macedonia Baptist Church
3. PRESENTATION – *“In the Streets – Hands Up High Ministry”* by Evangelist Roland A. Nava
4. PROCLAMATION
5. CITIZEN COMMENTS
6. ANNOUNCEMENT(S) • Mayor Pro-Tem DeLaRosa, Update on the Bastrop EDC

City Manager’s Informational Report for August 26, 2014: Items for update, discussion & possible action:

I. MEETINGS AND EVENTS ATTENDED:

- A. Attended the Special City Council Budget Workshop of August 19, 2014.
- B. Attended the Regular Monthly Board Meeting of the Lost Pines Groundwater Conservation District on August 6, 2014.

II. UPDATE ON CITY PROJECTS AND ISSUES:

- A. Discussion and Review of Water Usage from August 11, 2014 through August 21, 2014 and Review of Historical Water Well Production and Wastewater Flows to the Wastewater Treatment Plant.
- B. Update on the Short/Long Term Water Project.
- C. Update on the AMI Project
- D. Update on the City of Bastrop’s Mobility Study Regarding the Proposed Improvements for S.H. 71.
- E. Update on the Hasler Street Boulevard Reconstruction Project.
- F. Update on the Form Base Codes Project.
- G. Update on the Chambers Street Reconstruction Project.
- H. Update on the PEG Channel.
- I. Update on Meeting with Republic Waste.
- J. Update on the Repairs to Well G at the Willow Park Well Field in Fisherman’s Park.
- K. Electrical Problem on August 21, 2014 at 702 MLK Street
- L. **Update on Mayor Kesselus’ Parking Committee and the Possibility of Additional Parking in Downtown Bastrop.**
- M. Review of Revision’s to the City of Bastrop’s Board Application Form.
- N. Update on Bastrop West Village Project.
- O. Update on the FY-15 Budget.
- P. Review and Discussion regarding Proposed Changes to the City of Bastrop’s Public Nuisance Ordinance.
- Q. Update on the Water Filtration Project at Fisherman’s Park.

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 agenda’s related to items such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

- A. CONSENT AGENDA**-All of 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.
- | | TAB | PG | ROUSTR | |
|---|-----|----|--------|--|
| A.1 Approval of Minutes for the Workshop on August 5th , and the Regular Meetings held on July 22nd , and August 12th , 2014. | A.1 | 3 | | Lopez |
| A.2 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE of the City Council of the City of Bastrop Texas, AMENDING the BUDGET for the FISCAL YEAR 2014 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date. | A.2 | 18 | | CFO
Stovall |
| A.3 Consideration, discussion and possible action on the APPROVAL of the STATUTORY DENIAL , for a period of 180 DAYS from the date of Council action on this request, for PECAN PARK Residential, Section 5A Final Plat being a +/-17.06 tract out of a +/- 311.32 acre tract of land in the MOZEA ROUSSEAU Survey A-56 within the city limits of Bastrop, Texas. | A.3 | 28 | | Planning
&
Dvlpmnt
Director
McCollum |
- B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION OR ACTION**
- | | | | | |
|--|-----|----|--|----------------|
| B.1 CONDUCT A PUBLIC HEARING: The City Council will conduct the FIRST "PUBLIC HEARING" "on the PROPOSED PROPERTY TAX RATE for the City of Bastrop for Fiscal Year 2015. | B.1 | 31 | | CFO
Stovall |
|--|-----|----|--|----------------|

EXECUTIVE SESSION: *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Government Code, Vernon's Texas Code, Annotated, the item below will be discussed in closed session.*

1. SECTION 551.071 – Consultations with Attorney related to legal matters

C. OLD BUSINESS - NO ITEMS

D. NEW BUSINESS

- | | | | | |
|---|-----|----|--|------------------------------------|
| D.1 Consideration, discussion and possible ACTION on the presentation of the FISCAL YEAR 2015 BASTROP'S ART IN PUBLIC PLACES TASK FORCE BUDGET. | D.1 | 33 | | CFO
Stovall |
| D.2 Consideration, discussion and possible action on FUNDING LEVEL ALLOCATION to entity's requesting COMMUNITY SUPPORT FUNDING for FISCAL YEAR 2014-2015. | D.2 | 34 | | CFO
Stovall |
| D.3 Consideration, discussion and possible action on the Bastrop ECONOMIC DEVELOPMENT CORPORATION ENTERING INTO AN ECONOMIC DEVELOPMENT AGREEMENT with THE COGLAN GROUP, INC. | D.3 | 36 | | BEDC
Director
David
Quinn |

E. EXECUTIVE SESSION

- E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:
1. **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 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;
 - (a) **PINE FOREST UNIT #6,**
 - (b) **CLAIM AGAINST CITY BY QUALITY INN**
 2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property
 3. **SECTION 551.074** – Personnel Matters – City Manager (*Personnel Administration*)
 4. **SECTION 551.086** - Certain Public Power Utilities: Competitive Matters
- E.2 The Bastrop City Council will reconvene 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.

F. ADJOURNMENT

CERTIFICATION

I, certify that this notice of meeting was posted at the Bastrop City Hall on the **22nd** day of August 2014 at 5:00 pm

Elizabeth Lopez, City Secretary

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL AND COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 512-332-8800. PLEASE PROVIDE A FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE.

Confirm time posted: KR

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: August 22, 2014

MEETING DATE: August 26, 2014

1. Agenda Item: Approval of Minutes for the following:

- Regular Meeting held on July 22, 2014 and August 12th, 2014

2. Party Making Request: Elizabeth Lopez, City Secretary

3. Nature of Request: (Brief Overview) Attachments: Yes No

4. Policy Implication: _____

5. Budgeted: Yes No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: Approved Disapproved None

10. Manager's Recommendation: Approved Disapproved None

11. Action Taken: _____

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
July 22, 2014 at 6:30 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on the aforementioned date at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

- 1. **CALL TO ORDER** – A complete quorum being present; Mayor Kesselus called the meeting to order at 6:30 p.m.
- 2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – Mayor Kesselus invited Information Technology Director Andres Rosales to lead the Pledge of Allegiance and he welcomed the Reverend Bob Long led us in prayer.
- 3. **PRESENTATION** – Mr. Stan Ginsel introduced Richard Johnson from the Baron Von Bastrop Company, Mr. Johnson is from the Netherlands and expressed how happy he was to be a part of the City of Bastrop; he presented the Council a gift of the Baron Von Bastrop Company. The Council welcomed Mr. Johnson and they graciously accepted his gift.

**PRELIMINARY
Subject To Change
Date _____**

4. PROCLAMATIONS

5. CITIZEN COMMENTS

Ad-HOC Parking Committee - Mayor Kesselus announced that pursuant to a Resolution passed on July 8, the Ad HOC Parking Committee Members are:

- | | |
|--|---|
| 1. Dan Hepker, Member of the Main Street Board | 4. Paul Pape, Representing the County |
| 2. Brad Cook, Representing the DBA | 5. Gary Schiff, Member of the BEDC |
| 3. Pam Ferguson, Downtown Business Owner | 6. Mayor Kesselus, Council Representative |

Annual Joint BEDC & City Council Meetings - Mayor Kesselus acknowledged BEDC’s upcoming meeting and extended an apology, as he is unable to attend. However, he is looking forward to the first in a series of Annual Joint Meetings with the BEDC and the City Council to begin this October or November.

Mayor’s Forum on City’s Website - Mayor Kesselus noted the citizens comments/requests made at Mayor’s Forum would be placed on the City’s website with periodical updates to be provided.

Public Comment - Mayor Kesselus extended an invitation for public comment, at which time Bonnie Coffey addressed the Council and expressed her thoughts on the City’s Commissions, Task Forces, and Boards and the importance of having diverse groups that encompassed gender, age, income, education, experience, talent, and disability. Boards should reflect the community they serve and it is our duty to encourage new membership.

- 6. **ANNOUNCEMENTS** –Mayor Kesselus encouraged the public to review the City Manager’s report, as it was great resource of information on ongoing projects. He requested that the City Manager’s report be added to the city’s website and invited City Manager Talbot in review of his bi-weekly report.

City Manager Talbot brought highlight to the following items outlined in his Informational Report for July 22, 2014. He invited input from the City Council related to issues for possible inclusion on future agenda’s related to items such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

- (3) **DISCUSSION REGARDING VARIOUS ITEMS IN THE “REPORT & TOP PRIORITIES” FROM THE MARCH 22, 2014 CITY COUNCIL PLANNING RETREAT RANKING THE PRIORITIES** – City Manager Talbot revisited the top sixteen (16) priorities outlined at the City Council Retreat held on March 22, 2014. He recommended that the Council hold a workshop session in efforts to reconfirm the priorities previously outlined. The Council agreed a Workshop Session during the Regular City Council Meeting scheduled for August 12, 2014.

City Manager Talbot requested the Council’s consideration to approve the funding cost to update the Comprehensive Plan, which will range from \$175,000.00 to \$225,000.00; he suggested that funding could be accomplished via an inter-loan fund transfer from the Electric Fund.

MOTION – Council Member Beal made the motion to approve an inter-loan fund transfer from the Electric Fund to fund the cost to update the Comprehensive Plan, which will range from \$175,000.00 to \$225,000.00.

MOTION SECONDED – Council Member McAnally seconded the motion

MOTION PASSED – Unanimous vote; 5 -0

(5) **UPDATE REGARDING THE UNIVERSITY OF TEXAS – CENTER FOR TRANSPORTATION RESEARCH AND THE PROPOSED IMPROVEMENTS FOR S.H. 71 WITHIN THE CITY LIMITS OF BASTROP** - City Manager Talbot provided the Council an update on the UT Center of Transportation’s Research to undertake the Mobility Study regarding the impact the Proposed S.H. 71 Transportation improvements will have on the City of Bastrop. The UT Center of Transportation anticipates on beginning the project started right away and CAMPO would provide the funding for the study. In review of the study, the City Manager recognized it addressed a majority of concerns, but in efforts to take advantage of the funding by Campo, he approved the study.

(10) **REVIEW AND DISCUSSION REGARDING THE CREATION OF CULTURAL ARTS COUNCIL** – City Manager Talbot advised the Council of the required filing to the Texas Secretary of the State’s Office to attempt amendment in obtaining a non-profit 501(c)(3) status for the creation of a Cultural Arts Council. He added that the non-profit status would allow them more funding opportunities and followed with a request for the Council’s direction.

Mr. Conrad McAnally offered a public comment, and expressed his support and the positive impacts of a Cultural Arts Council within the community.

PRELIMINARY
Subject To Change
Date _____

COUNCIL’S DIRECTIVE(S)

1. The Council authorized the City Manager to provide “the seed funds” to get the process underway and approve the City Attorney to prepare the necessary paperwork to the Secretary of the State, in efforts to amend the existing Articles of Incorporation and the By Laws, to create a private non-profit “Cultural Art Council” of Bastrop.
2. The Council requested to have the item placed at an upcoming City Council Agenda in efforts to allow them time to review and consider possible action on the item.

(12) **DISCUSSION REGARDING A PUMPER TRUCK FOR THE FIRE DEPARTMENT** – City Manager Talbot advised the Council of the opportunity to purchase a Demo Fire Pumper Truck for a substantial savings and the inclusion of a full warranty. He offered them financing options, at which time the Council weighed the pros and cons of the purchase before making the following recommendation.

MOTION – Council Member Beal made the motion to authorize the City Manager to put a \$5,000 down payment to Hall Buick Pontiac and GMC of Tyler, Texas for the Fire Pumper Demo-Truck.

MOTION SECONDED – Council Member Jackson seconded the motion

MOTION PASSED – Unanimous vote; 5 -0

(D) **UPDATE ON THE YMCA PROGRAM** – Mayor Kesselus invited Martha Harris who provided a PowerPoint presentation and requested the Council’s support on the recreation initiative to construct a local YMCA multi-purpose facility.

The Council thanked Martha Harris for her update on the YMCA. The Council discussed and favorably considered the proposed multi-purpose facility. City Manager Talbot advised the Council that joint entities are highly considered for Federal Grant Fund opportunities. City Manager confirmed the Council’s request to incorporate the local YMCA Director’s salary into the process.

MOTION – Council Member McAnally made the motion that the Bastrop City Council extend the Memorandum of Understanding between the City of Bastrop and the Austin Metro YMCA, and authorize the City Manager to coordinate with the Bastrop County to obtain federal grant funds for construction of a YMCA facility. Authorize the City Manager to work to identify an appropriate location or land parcel that we can jointly pursue in moving this project forward.

MOTION SECONDED – Council Member Jackson seconded the motion

MOTION PASSED – Unanimous vote; 5 -0

A. CONSENT AGENDA - All of the following items on the Consent Agenda are considered self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member(s) so request.

- A.1 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON JUNE 24, 2014.
- A.2 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETINGS HELD ON JULY 8, 2014 AND JULY 15, 2014.
- A.3 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON THE APPROVAL OF THE DENIAL OF THE REPLAT OF LOT 51 WITHIN PINEY RIDGE SUBDIVISION, SEC.3 TO CREATE 2 RESIDENTIAL LOTS; PORTIONS OF THE PROPOSED LOTS ARE WITHIN THE CITY LIMITS OF BASTROP, TX PORTIONS ARE IN THE EXTRA TERRITORIAL JURISDICTION (ETJ) OF BASTROP, TX
- A.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION BY THE BASTROP CITY COUNCIL TO APPROVE ON THE SECOND READING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TX AMENDING SEC.1.15.501 "CREATION OF ETHICS COMMISSION" OF THE "ETHICS ORDINANCE" IN THE CODE OF ORDINANCES OF THE CITY OF BASTROP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
- A.5 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF TED SCHAEFER AS PLACE 1 MEMBER OF THE CEMETERY BOARD; A THREE -YEAR TERM THAT EXPIRES JUNE 2017.
- A.6 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF MARY WILLIAMS AS PL.2 MEMBER OF THE CEMETERY BOARD; A THREE-YEAR TERM THAT EXPIRES JUNE 2017.
- A.7 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF ROGER CLINTON OSBORN, GEN. CONTRACTOR, PL.1 CONSTRUCTION STANDARDS BOARD; 2YR TERM EXPIRES JUNE 2016
- A.8 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF DAVID MOORE AS PLACE 3, ON THE CONSTRUCTION STANDARDS BOARD; A 1-YEAR TERM THAT EXPIRES JUNE 2015
- A.9 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF CHASE McDONALD AS PL.4 MEMBER OF THE CONSTRUCTION STANDARDS BOARD; A TWO-YEAR TERM THAT EXPIRES JUNE 2016.
- A.10 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF WILLIE DELAROSA, COUNCIL REP. AS PL. 2 ON THE ECONOMIC DEVELOPMENT CORP.; 2YR TERM EXPIRES JUNE 2016..
- A.11 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF GARY SCHIFF AS PL.4 MEMBER OF THE ECONOMIC DEVELOPMENT CORP.; A TWO-YEAR TERM THAT EXPIRES JUNE 2016.
- A.12 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF MARILYN WHITES AS PL. 7 MEMBER OF THE HISTORIC LANDMARK COMMISSION; 3-YEAR TERM THAT EXPIRES JUNE 2017.
- A.13 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF ANDREW COY AS PLACE 2 MEMBER OF THE HOUSING AUTHORITY; A ONE-YEAR TERM THAT EXPIRES IN JUNE 2015.
- A.14 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF ANNETTE HYDER, PL 3 MEMBER OF THE HOUSING AUTHORITY; A 2-YEAR TERM THAT EXPIRES JUNE 2016.
- A.15 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF NETTIE KIMBLE AS THE PLACE 4 MEMBER OF THE HOUSING AUTHORITY; A 2-YEAR TERM THAT EXPIRES JUNE 2016.
- A.16 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF PHILLIP WOODS, PL. 5 MEMBER OF THE HOUSING AUTHORITY; 2-YR TERM/ EXPIRES JUNE 2016.
- A.17 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF MICHAEL H. TALBOT, CITY MGR AS PL. 1, HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.
- A.18 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON/AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT, DARLENE LOUK, DEVELOPER REP. AS PL. 2, HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.
- A.19 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF CARLOS LIRIANO, COMM. REP. AS PL.3, HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.
- A.20 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF WILLIAM DILDINE AS PL 4 ON THE HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.
- A.21 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF JAMES KERSHAW, CITIZEN REP. AS PL.5, HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.
- A.22 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF DOCK JACKSON, COUNCIL REP. AS PL.6, HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.
- A.23 BOARD APPOINTMENT BY MAYOR KESSELUS & SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF BRANDON JOHNSON, HC RESIDENT AS PL.7, HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.
- A.24 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF RICHARD KINDRED AS PL.6, IMPACT FEE COMMITTEE & PLANNING/ZONING COMMISSION; 3YR TERM EXPIRES JUNE 2017.
- A.25 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF DAVID BRAGG AS PL. 8, IMPACT FEE COMMITTEE & PLANNING/ZONING COMMISSION; 3YR TERM EXPIRES JUNE 2017.
- A.26 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT, WILLIAM ENNIS AS PL. 9, IMPACT FEE COMMITTEE & PLANNING/ZONING COMMISSION; 3YR TERM EXPIRES JUNE 2017.
- A.27 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT, REBECCA BENNETT AS PL.1 MEMBER OF THE LIBRARY BOARD; A THREE-YEAR TERM THAT EXPIRES JUNE 2017.
- A.28 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF LISA CRICK AS PLACE 9 MEMBER OF THE LIBRARY BOARD; A THREE-YEAR TERM THAT EXPIRES JUNE 2017.
- A.29 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT, KEITH GOERTZ AS PLACE 4 ON THE MAIN STREET ADVISORY BOARD; A TWO-YEAR TERM THAT EXPIRES JUNE 2016.
- A.30 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF BONNIE COFFEY AS PLACE 5 ON THE MAIN STREET ADVISORY BOARD; A TWO-YEAR TERM THAT EXPIRES JUNE 2016.
- A.31 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT, SHAWN ANTHEA (PLETSCH) AS PL. 8 ON THE MAIN STREET ADVISORY BOARD; A TWO-YEAR TERM THAT EXPIRES JUNE 2016.

- A32 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT, DANIEL HAYS-CLARK, PL.2, MUNICIPAL SIGN REVIEW BOARD & ZONING BOARD ADJUSTMENT; 2YR TERM/EXPIRES JUNE 2016.
- A33 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT, MICHAEL GIBBONS, PL.4, MUNICIPAL SIGN REVIEW BOARD & ZONING BOARD OF ADJUSTMENT; 2 YR TERM /EXPIRES JUNE 2016
- A34 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF BOB ROGERS, ALT. 2, MUNICIPAL SIGN REVIEW BOARD & ZONING BOARD OF ADJUSTMENT; 2YR TERM /EXPIRES JUNE 2016
- A35 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF MARK GRACEY, PL.3 MEMBER OF THE PARKS BOARD & PUBLIC TREE ADVISORY BOARD; 3-YR TERM EXPIRES JUNE 2017.
- A36 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT- BARBARA WOLANSKI, PL.5, ON THE PARKS BOARD & PUBLIC TREE ADVISORY BOARD; 3YR TERM EXPIRES JUNE 2017.

The Council held a discussion in consideration to the Board Appointments outlined under the Consent Agenda as A-5 through A-36. After careful consideration, the Council requested following:

Mayor Kesselus requested to pull Consent Agenda Items A.10 and A.17 through A.23 for additional review and consideration.

Council Member Jackson requested to recuse himself from voting on the Consent Agenda Items A.17 through A.23.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to approve Consent Agenda Items A.1 through A.9, A.11 though A.16, and A.18 though A.36.

MOTION SECONDED – Council Member Gilleland seconded the motion.

MOTION PASSED – Vote of 4 to 1 (1 Recusal Council Member Jackson)

- A10 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF WILLIE DELAROSA, COUNCIL REP. AS PLACE 2 MEMBER OF THE ECONOMIC DEVELOPMENT CORP.; 2YR TERM EXPIRES JUNE 2016.

Mayor Pro-Tem DeLaRosa requested to recuse himself from Consent Agenda Item A10, Mayor Kesselus followed with his request for a motion.

MOTION – Council Member Jackson made the motion to approve the appointment of Willie DeLaRosa as the Council Representative as Place 2 Member of the Economic Development Corporation, a two-year term that expires June 2016.

MOTION SECONDED – Council Member Beal seconded the motion.

MOTION PASSED – Vote of 4 to 1 (1 Recusal Mayor Pro-Tem DeLaRosa)

PRELIMINARY
Subject To Change
Date _____

- A17 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF MICHAEL H. TALBOT, CITY MGR AS PL. 1 ON THE HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.

Mayor Kesselus requested a motion.

MOTION – Council Member Beal made the motion to approve appointment of Michael H. Talbot, City Manager as Place 1 on the Hunter’s Crossing Local Government Corporation Board, a three-year term that expires June 2017.

MOTION SECONDED – Mayor Pro-Tem DeLaRosa seconded the motion.

MOTION PASSED – Vote of 4 to 1 (1 Recusal Council Member Jackson)

- A18 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF DARLENE LOUK, DEVELOPER REP. AS PL. 2 ON THE HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.

The Council held a discussion with consideration to the Board Appointment, Mayor Kesselus followed with a request for a motion.

MOTION – Council Member Beal made the motion to approve appointment of Darlene Louk, Developer Representative as Place 2 on the Hunter’s Crossing Local Government Corporation Board, a three-year term that expires June 2017.

MOTION FAILED DUE TO A LACK OF A SECOND

- A19 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF CARLOS LIRIANO, COMM. REP. AS PL.3 ON THE HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.

Mayor Kesselus requested a motion.

MOTION – Council Member Beal made the motion to approve appointment of Carlos Liriano, Community Representative as Place 3 on the Hunter’s Crossing Local Government Corporation Board, a three-year term that expires June 2017.

MOTION SECONDED – Council Member Gilleland seconded the motion.

MOTION PASSED – Vote of 4 to 1 (1 Recusal Council Member Jackson)

A20 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF WILLIAM DILDINE AS PLACE 4 MEMBER OF THE HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.

Mayor Kesselus requested a motion.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to approve appointment of William Dildine as Place 4 on the Hunter’s Crossing Local Government Corporation Board, a three-year term that expires June 2017.

MOTION SECONDED – Council Member McAnally seconded the motion.

MOTION PASSED – Vote of 4 to 1 (1 Recusal Council Member Jackson)

A21 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF JAMES KERSHAW, CITIZEN REP. AS PL. 5 ON THE HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.

Mayor Kesselus requested a motion.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to approve appointment of James Kershaw as Place 5 on the Hunter’s Crossing Local Government Corporation Board, a three-year term that expires June 2017.

MOTION SECONDED – Council Member McAnally seconded the motion.

MOTION PASSED – Vote of 4 to 1 (1 Recusal Council Member Jackson)

A22 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF DOCK JACKSON, COUNCIL REP. AS PL. 6 ON THE HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.

Mayor Kesselus requested a motion.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to approve appointment of Dock Jackson, Council Representative as Place 6 on the Hunter’s Crossing Local Government Corporation Board, a three-year term that expires June 2017.

MOTION SECONDED – Council Member McAnally seconded the motion.

MOTION PASSED – Vote of 4 to 1 (1 Recusal Council Member Jackson)

**PRELIMINARY
Subject To Change
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A23 BOARD APPOINTMENT BY MAYOR KESSELUS AND SUBJECT TO CONFIRMATION ON OR AFTER JULY 22, 2014 BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF BRANDON JOHNSON, HC RESIDENT, PL. 7 ON THE HUNTERS CROSSING LOCAL GOVT. CORP. BOARD; 3YR TERM EXPIRES JUNE 2017.

Mayor Kesselus requested a motion.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to approve appointment of Brandon Johnson as Place 7 on the Hunter’s Crossing Local Government Corporation Board, a three-year term that expires June 2017.

MOTION SECONDED – Council Member McAnally seconded the motion.

MOTION PASSED – Vote of 4 to 1 (1 Recusal Council Member Jackson)

Mayor Kesselus accepted Darlene Louk’s request to public comment. In respect to Consent Agenda Item A18, Darlene Louk expressed her years of service on the Hunter’s Crossing Local Government Corporation and her willingness to continue serving on the Board.

At this time, Council Member Beal offered the Council additional insight on the importance of having a Developer Representative on the Hunters Crossing Local Government Corporation Board and restated his support to confirm reappointment of Darlene Louk.

Mayor Kesselus recognized an oversight in allowing her to speak earlier and followed with a request for a motion.

MOTION – Council Member Beal made the motion to approve appointment of Darlene Louk, Developer Representative as Place 2 on the Hunter’s Crossing Local Government Corporation Board, a three-year term that expires June 2017.

MOTION FAILED DUE TO A LACK OF A SECOND

Mayor Kesselus thanked Darlene Louk for her years of service on the Hunter’s Crossing Local Government Corporation Board.

At 8:07 pm, Mayor Kesselus called for a four-minute recess

B. PUBLIC HEARINGS & ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

EXECUTIVE SESSION: *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch.551 Govt.Code, Vernon's Texas Code, Annotated, the item below will be discussed in closed session. SEC.551.071–Consultations w/Attorney related to legal matters*

C. OLD BUSINESS – No Items

D. NEW BUSINESS

- D.1** CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION APPROVING ON **FIRST READING** AN **ORDINANCE** OF THE CITY COUNCIL OF BASTROP, TEXAS ESTABLISHING A **SPECIFIC SPEED LIMIT** OF **40 MPH** ON **BLAKEY LANE** WITHIN BASTROP, TEXAS; PROVIDING FOR ENFORCEMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (*M. Talbot*)

City Manager Talbot requested the Council’s consideration and approval of the First Reading of an Ordinance that would allow the removal of two stop signs located on the intersection of Duff Drive and Blakey Lane.

The Council held a brief discussion and Mayor Kesselus followed with a request for a motion.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to approve **FIRST READING** an Ordinance of the City Council of Bastrop, Texas establishing a specific speed limit of **45 MPH** on Blakey Lane within Bastrop, Texas; providing for enforcement; providing a repealer clause; providing a severability clause; and providing an effective date. He requested that the **SECOND READING** of the Ordinance be placed on the Consent Agenda for final approval.

SECONDED – Council Member Gilleland seconded the motion.

MOTION PASSED – Unanimous vote of 5-0

- D.2** CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE **FIRST READING** OF AN **ORDINANCE AMENDING “SCHEDULE III: STOP SIGNS”** REFERENCED IN THE BASTROP CITY CODE CHAPTER 12 TRAFFIC CONTROL, SECTION 12.04.004, **ORDERING THE REMOVAL OF TWO (2) EXISTING STOP SIGNS** LOCATED AT THE INTERSECTION OF **DUFF DRIVE** AND **BLAKEY LANE**; AND PROVIDING AN EFFECTIVE DATE. (*M. Talbot*)

City Manager Talbot requested the Council’s consideration and approval of the First Reading of an Ordinance that would allow the removal of two stop signs located on the intersection of Duff Drive and Blakey Lane.

Mayor Kesselus requested a motion.

MOTION – Council Member Beal made the motion to approve the First Reading of an Ordinance amending “Schedule III: STOP SIGNS” referenced in the Bastrop City Code Chapter 12 Traffic Control, Section 12.04.004, Ordering the **REMOVAL** of **TWO (2) EXISTING STOP SIGNS** located at the Intersection of **DUFF Drive** and **BLAKEY Lane**; and providing an effective date. He requested that the **SECOND READING** of the Ordinance amending Chapter 12 be placed on the Consent Agenda for final approval.

SECONDED – Council Member Gilleland seconded the motion.

MOTION PASSED – Unanimous vote of 5-0

**PRELIMINARY
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- D.3** CONSIDERATION, DISCUSSION AND POSSIBLE ACTION APPROVING THE **FIRST READING** OF AN **ORDINANCE AMENDING** CHAPTER 4 “BASTROP REGULATIONS”; ARTICLE 4.03 “**TAXICABS AND TOURING VEHICLES**” OF THE BASTROP CODE OF ORDINANCES, TO **ADD REGULATIONS RELATED TO SHUTTLE SERVICES AND TO EXPAND THE DEFINITION OF AND REGULATION OF TAXICABS, SHUTTLES AND TOURING VEHICLES;** AND **AMENDING** APPENDIX A4.03.001 – LICENSE, OF THE CODE OF ORDINANCES, **CONCERNING INSPECTION AND DRIVERS’ FEES** FOR SAME; **PROVIDING FOR PENALTIES;** AND ESTABLISHING AN EFFECTIVE DATE. (*M. Talbot*)

City Manager Talbot requested the Council’s consideration and approval of the First Reading of an Ordinance to amend Chapter 12, as directed by the Bastrop City Council and the Bastrop Main Street Board, which would limit the size of vehicles that can utilize the parking spaces on Main Street along the Downtown area.

The Council held a discussion, and Council Member Gilleland suggested revising the ordinance by removing “motor-propelled.”

Mayor Kesselus requested a motion.

MOTION – Council Member Gilleland made the motion to approve the First Reading to an Ordinance amending Chapter 4 “Bastrop Regulations”; Article 4.03 “TAXICABS and TOURING VEHICLES” of the Bastrop Code of Ordinances, to add regulations related to shuttle services and to expand the definition of and regulation of Taxicabs, shuttle and Touring Vehicles; and amending appendix A4.03.001 – License, of the Code of Ordinances, concerning inspection and driver’s fees for same; providing for penalties; and establishing an effective date; with the revision of removing the word motor-propelled. She requested that the **SECOND READING** of the Ordinance amending Chapter 4 be placed on the Consent Agenda for final approval.

SECONDED – Mayor Pro-Tem DeLaRosa seconded the motion.

MOTION PASSED – Unanimous vote of 5-0

D.4 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE **FIRST READING** OF AN **ORDINANCE AMENDING CH. 12 "TRAFFIC & VEHICLES"** OF THE BASTROP CODE OF ORDINANCES, ARTICLE 12.06 **"STOPPING, STANDING & PARKING"** PROVIDING FOR **PARKING OF 'COMPACT CARS' ONLY** IN CERTAIN LOCATIONS ON **MAIN ST.;** PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE. (*M. Talbot*)

City Manager Talbot requested the Council's consideration and approval of the First Reading of an Ordinance to amend Chapter 12, as directed by the Bastrop City Council and the Bastrop Main Street Board, which would limit the size of vehicles that can utilize the parking spaces on Main Street along the Downtown area.

Council Member Jackson acknowledged the importance of this Ordinance in the Downtown area and in other areas within the City. He stated this was a great step forward.

Mayor Kesselus requested a motion.

MOTION – Council Member Jackson made the motion to approve the **FIRST READING** of an ordinance amending Chapter 12 "TRAFFIC and VEHICLES" of the Bastrop Code of Ordinances, Article 12.06 "STOPPING, STANDING and PARKING" providing for Parking of 'COMPACT CARS' ONLY in Certain Locations on Main Street; providing for **PENALTIES**; and establishing an effective date. He requested that the **SECOND READING** of the Ordinance amending Chapter 12 be placed on the Consent Agenda for final approval.

SECONDED – Mayor Pro-Tem DeLaRosa seconded the motion.

MOTION PASSED – Unanimous vote of 5-0

**PRELIMINARY
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E. EXECUTIVE SESSION

E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:

1. **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 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.
2. ~~**SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property~~
3. **SECTION 551.074** – Personnel Matters – Evaluate City Manager
4. ~~**SECTION 551.086** – Certain Public Power Utilities: Competitive Matters~~

E.2 The Bastrop City Council will reconvene 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.

At 9:10 pm, Mayor Kesselus convened the Bastrop City Council into Executive Session to discuss Executive Session Items 1 & 3 only; Section 551.071(1)(A) & Section 551.071(2) Consultation with Attorney and Section 551.074 – Personnel Matters.

At 10:29 pm, Mayor Kesselus reconvened the Bastrop City Council into open session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein.

Mayor Kesselus requested a motion on action to be taken; City Manager Talbot recommended that the following "Consultation with the City Attorney" posted under the Executive Session as Item 1, related to "potential, pending, threatened and/or contemplated litigation," *the Council authorizes him to retain Mr. Charles Bundren, an Attorney practicing in Dallas, Texas. Mr. Bundren has assisted the City in the past and has the expertise to assist the City in resolving pending legal issues that are having a chilling effect on the future development of the Pine Forest Unit #6 Subdivision area.*

MOTION – Mayor Pro-Tem DeLaRosa made the motion to authorize City Manager Talbot to retain Mr. Charles Bundren, an Attorney practicing in Dallas, Texas. Mr. Bundren has assisted the City in the past and has the expertise to assist the City in resolving pending legal issues that are having a chilling effect on the future development of the Pine Forest Unit #6 Subdivision area.

SECOND – Council Member Dock Jackson seconded the motion

MOTION PASSED – Unanimous vote of 5-0.

F. ADJOURNMENT - Mayor Kesselus requested a motion to adjourn. Mayor Pro-Tem DeLaRosa made the motion, seconded by Council Member Gilleland; meeting adjourned at 10:31 pm.

APPROVED: _____
Ken Kesselus, Mayor

ATTEST: _____
Elizabeth Minerva Lopez, City Secretary

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**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
August 12, 2014 at 6:30 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on the aforementioned date at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** – A complete quorum being present; Mayor Kesselus called the meeting to order at 6:30 p.m.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – Mayor Kesselus invited little Mr. Daniel Brevelle to lead the Pledge of Allegiance and he invited Council Member Joe Beal to lead us in prayer.
3. **PRESENTATION** – Mayor Kesselus introduced James Etzel, 5th Grade Student at One Day Academy who addressed the Council with his Student Character Trait Presentation on “*Respect*.” James is a member of the Bastrop Honor Choir and he recently participated in the International Invitational Choir Competition held at Canterbury Cathedral Church in England. James was accompanied by his proud parents, Lance and Marilyn Etzel.
4. **PROCLAMATIONS**
5. **CITIZEN COMMENTS**
6. **ANNOUNCEMENTS - River “Take-Out” point at Tahitian Village** – Council Member McAnally brought attention to the recent undertaking to improve the blighted area at the River Point at Tahitian Village. She expressed her gratitude for the volunteers and citizens who cleaned up the area. The area is still in need of surveillance cameras and signage to prohibit future vandalism. She recognized the volunteer’s efforts in seeking grant funding to help make this a park and acknowledged the good spirit of cooperation to a non-City endeavor.

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Report on recent Newly Elected City Officials Workshop & the Bastrop Cleanup Competition – Council Member Gilleland stated the Newly Elected City Officials Workshop here in Bastrop was very informative and she looks forward to attending future events. Additionally, Council Member Gilleland shared her ideas for the Bastrop Clean up Competition and requested the item be placed on the agenda for the upcoming City Council Meeting. She will be meeting with the members of “Keep Bastrop County Beautiful” on Saturday, August 16, 2014 in efforts to formulate a plan that will help us clean up before the upcoming Annual Car Show scheduled for November 1, 2014.

“City 2014 Platinum Leadership Award and the Leadership Circle Certificate - City Manager Talbot expressed the honor and pleasure to acknowledge Chief Financial Officer Karla Stovall and the Finance Department Team on their achievement of attaining the “City 2014 Platinum Leadership Award and the Leadership Circle Certificate.” Noting this was the third consecutive year that Karla and her staff had obtained this award, the Council echoed their appreciation for their commitment.

There were no additional announcements, therefore Mayor Kesselus invited City Manager Talbot to present his bi-weekly update.

City Manager Talbot brought highlight to the following City Projects and Issues outlined in his Informational Report dated August 12, 2014. He invited input from the City Council related to issues for possible inclusion on future agenda’s related to items such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

- (C) **Update and a Presentation on the City of Bastrop’s Code Enforcement Program** – City Manager Talbot introduced Code Enforcement/ Animal Control Officer who conducted a brief presentation on how the Code Enforcement Program operates in the City of Bastrop. The Planning and Code Enforcement Departments collaborated their efforts to create a new Code Enforcement brochure that will be included in the City Monthly Utility bill in efforts to educate our citizens of various violations and additional information on where they may discard items and where they may call for assistance.
- (F) **Update on Updating the Comprehensive Plan** – City Manager Talbot advised the Council of the recent update with respect to the Transportation Grant from CAMPO who awarded the City \$200,000.00 to update the Transportation and Land Use Section of the City’s 2001 Comprehensive Plan. He recommended creating an RFP to have a consultant update the City’s Transportation/Land Use Section and another consultant to update the City’s Comprehensive Plan. He has created a timeline which is scheduled to commence on September 15, 2014 with the completion and distribution of the RFP.

- (I) **Report submitted to the City Manager’s Office by Republic Services regarding Brush Pick-up in the City of Bastrop** – City Manager Talbot informed the Council of ongoing meetings with Republic Waste Representatives as a follow up the expectations set by the Council regarding “brush pickup.” Republic Waste Representative Gary Gauci advised the Council of the significant improvement and their dedication in continuing the bulk/brush pickup at no additional cost to the customer. Council Member Beal and Mayor Pro-Tem DeLaRosa thanked him for their responsiveness to our citizen’s concerns.

Larger Recycle Bins - City Manager Talbot will be meeting with Mr. Gauci on the possibility of having larger recycle bins at no additional cost to the City.

- (K) **Discussion, review and consideration for the City of Bastrop to provide Funding to Bastrop Fine Arts Guild “Lost Pines Art Center Project”** – At the request of Mayor Pro-Tem DeLaRosa, City Manager Talbot has included this item for the Council’s consideration and possible action in providing grant funds to the Bastrop Fine Arts Guild for the “Lost Pines Art Center Project”. Mr. Mark Rose addressed the Council with his request for \$300,000 in grant funds and outlined the positive impacts the project on would have on the community. The Council held a discussion and requested additional insight from City Manager Talbot, who suggested that if they choose to proceed with grant funding he recommended a 380 form of agreement between the City and the Art Guild, he also included the possible drawbacks of such an agreement. The Council held a discussion and agreed to hold a public hearing on August 26, 2014 at 6:30pm to allow for the public to provide their input on this funding request.

- (L) **Discussion and Review Regarding a Zoning Issue at the 500 Block in the Young Subdivision** – City Manager Talbot requested the Council’s consideration and action to rezone the 500 block of the Young Subdivision consistent with “single family zoning” in the Young Subdivision, which would make this consistent with the surrounding properties and resolve the zoning issue related to this property.

After a brief discussion by the Council, the Mayor requested a motion.

MOTION – Council Member Jackson made the motion to approve rezoning of the 500 block of the Young Subdivision consistent with “single family zoning” in the Young Subdivision.

MOTION SECONDED – Mayor Pro-Tem DeLaRosa seconded the motion.

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

**PRELIMINARY
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The Council brought the following items to the City Manager’s attention for future consideration and possible action:

TRAIN WHISTLE - Mayor Kesselus and the Council confirmed their request for an Ordinance that would require the Trains to lower their whistle while traveling through the City.

NOON WHISTLE – The Council expressed their support to have the Noon Whistle reinstated, which was also considered a novelty item that could be used as an emergency notification.

A. CONSENT AGENDA - All of the following items on the Consent Agenda are considered self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member(s) so request.

- A.1 Approval of Minutes for the City Council Special Meeting/ Budget Workshop held on July 29, 2014
- A.2 Consider, discussion, and possible action approving the SECOND READING of an Ordinance of the City Council of the City of Bastrop, Texas, establishing a specific SPEED LIMIT of 45 MPH on BLAKEY Lane within Bastrop, Texas; providing for enforcement; providing a repealer clause; providing a severability clause; and providing an effective date.
- A.3 Consideration, discussion, and possible action regarding the SECOND READING of an Ordinance amending “Schedule III: Stop Signs” referenced in the Bastrop City Code Ch.12 Traffic Control, Sec.12.04.004, Ordering the Removal of two (2) Existing Stop Signs located at the Intersection of DUFF Drive and BLAKEY Lane; and providing an effective date.
- A.4 Consideration, discussion, and possible action approving the SECOND READING of an Ordinance amending Ch. 4 “Bastrop Regulations”; Article 4.03 “Taxicabs and Touring Vehicles” of the Bastrop Code of Ordinances, to add regulations related to shuttle services and to expand the definition of and regulation of Taxicabs, Shuttles and Touring vehicles; and amending appendix A4.03.001 – license, of the code of Ordinances, concerning inspection and driver’s fees for same; providing for penalties; and establishing an effective date.
- A.5 Consideration, discussion, and possible action regarding the SECOND READING of an Ordinance amending Ch. 12 “Traffic and Vehicles” of the Bastrop Code of Ordinances, Article 12.06 “Stopping, Standing and Parking” providing for parking of ‘Compact Cars Only in certain locations on Main St; proving for penalties; and establishing an effective date.

- A.6 A Resolution approving & Adopting the Investment Policy for the City of Bastrop, Texas, and making various provisions related to the subject.
- A.7 Approval of Bastrop Marketing Corporation’s request for reimbursement of expenses.
- A.8 Adoption of a Resolution of Support to conduct a Transportation Study which will update the City’s Comprehensive Plan for transportation and land use sections.
- A.9 Approval of a request for a twelve month (1 year) extension for XS Ranch Phase 1-A Preliminary Plat within the City of Bastrop, Texas Extra Territorial Jurisdiction (ETJ).
- A10 Approval of the Final Plat of The Grove Phase 1, Lot 5, Block A being +/-1.020 acre tract within the Nancy Blakey Survey No. 98 within the city limits of Bastrop, Texas.
- A11 Approval of the request to waive the \$50.00 sign permit fee for Ascension Catholic Church to create a monument sign in the front of the church to post times of services and other special events
- A12 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Administrative Plat of Bastrop Station Addition, 2 commercial lots located west of Childers St, north of Agnes and south of Highway 71 within the city limits of Bastrop, Texas.
- A13 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Administrative Replat of Lot 3, Reserve Area “B” of the Bastrop Business and Industrial Park, Phase 1 within the city limits of Bastrop, Texas.
- A14 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Administrative Plat of Buttonwood Subdivision creating two residential lots within the city limits of Bastrop, Texas.
- A15 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Hewitt – Taylor Administrative Plat located east of FM 1209 to create two residential lots within the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

Mayor Kesselus read the Consent Agenda captions outlined under A.2 through A.5 in recognition of the second readings of the Ordinance(s) and followed with a request for a motion.

MOTION—Mayor Pro-Tem DeLaRosa made the motion to approve all the items listed on the Consent Agenda.

MOTION SECONDED – Council Member Gilleland seconded the motion.

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

PRELIMINARY
Subject To Change
Date _____

B. PUBLIC HEARINGS & ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND ACTION - NONE

EXECUTIVE SESSION: *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch.551 Govt. Code, Vernon's TX Code, Annotated, the item below will be discussed in closed session. SEC.551.071—Consultations w/Attorney related to legal matters*

C. OLD BUSINESS – No Items

D. NEW BUSINESS

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING OF JUNE 30, 2014. (Stovall)

Chief Financial Officer Stovall requested the Council’s acceptance of the unaudited Monthly Financial Report and Quarterly Investment Report for the period ending June 30, 2014.

Mayor Kesselus requested a motion.

MOTION – Council Member Beal made the motion to accept the unaudited Monthly Financial Report and Quarterly Investment Report for the period ending of June 30, 2014.

SECONDED – Mayor Pro-Tem DeLaRosa seconded the motion.

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

D.2 CONSIDERATION, DISCUSSION, & POSSIBLE ACTION ON INCREASING THE FUNDING LEVEL AMOUNT FOR HOTEL MOTEL FUNDS & APPROVAL OF THE PROPOSED FUNDING ALLOCATION TO ENTITIES REQUESTING HOT FUNDING FOR FY2014-15. (Stovall)

Chief Financial Officer Stovall requested the Council’s consideration and request to increase the funding levels for the HOT Funds and their approval of the proposed funding allocation to entities requesting HOT Funds for FY 2014-2015.

Mayor Kesselus requested a motion.

MOTION – Council Member Beal made the motion to increase the HOT Funding Level Amount to \$300,000 for this year only.

SECONDED – Mayor Pro-Tem DeLaRosa seconded the motion.

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

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D.3 CONSIDERATION, DISCUSSION, & POSSIBLE ACTION ON THE ACQUISITION OF ART FROM ARTIST CM HENDERSON FOR THE FRAMED PRINT TITLED “MORNING ON MAIN STREET” AS RECOMMENDED BY THE BASTROP ARTS IN PUBLIC PLACES TASK FORCE. (Stovall)

Chief Financial Officer Stovall requested the Council’s approval on the acquisition of Art from Artist CM Henderson for the framed print titled “Morning on Main Street” invoiced at \$654.00

Mayor Kesselus requested a motion.

MOTION – Council Member McAnally made the motion to acquire the **FRAMED ART PRINT** from Artist **CM Henderson** titled “**Morning on Main Street**” for \$654.00.

SECONDED – Council Member Jackson seconded the motion.

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

D.4 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON THE ACQUISITION OF ART FROM ARTIST PATRICIA RENDULIC WITH HER GLASS ARTWORK TITLED “A RIVER RUNS THROUGH IT” RECOMMENDED BY THE BASTROP ARTS IN PUBLIC PLACES TASK FORCE. (Stovall)

Chief Financial Officer Stovall requested the Council’s approval on the acquisition of Art from Artist Patricia Rendulic’s Glass Artwork titled “A River Runs Through It” invoiced at \$7,360.00

Mayor Kesselus requested a motion.

MOTION – Council Member McAnally made the motion to acquire the **Glass Artwork** from Artist **Patricia Rendulic** titled “**A River Runs Through It**” for \$7,360.00.

SECONDED – Council Member Jackson seconded the motion.

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR 2014 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE. (Stovall)

Chief Financial Officer Stovall requested the Council’s consideration and approval of the First Reading of an Ordinance amending the Budget for Fiscal Year 2014 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date.

Mayor Kesselus requested a motion.

MOTION – Council Member Beal made the motion to approve the **FIRST READING** of an Ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2014 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date. He requested to have the **SECOND READING** of the Ordinance placed on the Consent Agenda for final approval.

SECONDED – Council Member Jackson seconded the motion.

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

D.6 CONSIDER AND ACT UPON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, TO TAKE A RECORD VOTE TO PLACE A PROPOSAL FOR ADOPTION OF THE FISCAL YEAR 2014-2015 BUDGET AND TAX RATE ON THE SEPTEMBER 23, 2014 AGENDA; SPECIFYING THE PROPOSED PROPERTY TAX RATE; ESTABLISHING DATES FOR PUBLIC HEARINGS ON THE PROPOSED PROPERTY TAX RATE; AND PROVIDING FOR PUBLICATION AS PROVIDED BY THE TEXAS PROPERTY TAX CODE. (STOVALL)

Chief Financial Officer Stovall requested the Council’s consideration and adoption of the Proposed Tax Rate for Fiscal Year 2014-2015 Budget and the Tax Rate to be reflected on the September 23, 2014 City Council Meeting Agenda.

Mayor Kesselus read the Agenda Caption D.6 and requested a motion.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to accept the Resolution adopting the Fiscal Year 2014-2015 Budget and Tax Rate on the September 23, 2014 agenda; specifying the proposed property tax rate; establishing dates for public hearings on the proposed property tax rate; and providing for publication as provided by the Texas Property Tax Code.

**PRELIMINARY
Subject To Change
Date _____**

SECONDED – Council Member Beal seconded the motion.

The City Secretary called for a vote to acknowledge the acceptance of the resolution.

Mayor Pro Tem Willie DeLaRosa	YEA <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>	ABSENT <input type="checkbox"/>
Council Member Joe Beal	YEA <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>	ABSENT <input type="checkbox"/>
Council Member Kelly Gilleland	YEA <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>	ABSENT <input type="checkbox"/>
Council Member Kay Garcia McAnally	YEA <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>	ABSENT <input type="checkbox"/>
Council Member Dock Jackson	YEA <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>	ABSENT <input type="checkbox"/>

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0. Resolution No. 2014-10 was read and adopted on the 12th day of August 2014.

D.7 CONSIDERATION, DISCUSSION & POSSIBLE ACTION REGARDING THE CITY TO PROCEED WITH ASSISTANCE IN TRANSFERRING THE BASTROP ASSOCIATION OF THE ARTS ARTICLES OF INCORPORATION & BY-LAWS TO CREATE THE “THE CULTURAL ART COUNCIL OF BASTROP.” (TALBOT)

City Manager Talbot requested the Council’s approval to provide the seed funding to start the submission of paperwork requesting non-profit funding from the Secretary of the State’s office.

Mayor Kesselus requested a motion.

MOTION – Council Member Beal made the motion to approve the seed funding, and authorize the City Attorney to process the necessary paperwork for submission to the Secretary of the State requesting a 501(c)(3) Non-Profit Status for the proposed Cultural Art Council of Bastrop.

SECONDED – Council Member McAnally seconded the motion.

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

D.8 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE ACQUISITION OF A PLAQUE TO BE PLACED AT THE FIREMAN STATUE LOCATED AT FIRE STATION #1 AT 802 CHESTNUT STREET FROM THE DEEP IN THE HEART ART FOUNDRY AND RECOMMENDED BY THE BASTROP ARTS IN PUBLIC PLACES TASK FORCE. (STOVALL)

Chief Financial Officer Stovall requested the Council’s consideration and approval of acquiring a plaque for placement at the Fireman Statue located at the Fire Station #1.

Mayor Kesselus requested a motion.

MOTION – Council Member Jackson made the motion to approve the acquisition of a plaque for placement at the Fireman Statue located at Fire Station #1 at 802 Chestnut Street from the Deep in the Heart Art Foundry and recommended by the Bastrop Arts in Public Places Task Force.

SECONDED – Council Member McAnally seconded the motion.

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

At 8:46 pm, Mayor Kesselus called for a four-minute recess and requested that Council gather at the Meeting Table located at the entrance of the Council Chambers.

THE BASTROP CITY COUNCIL WILL RECESS THE REGULAR CITY COUNCIL MEETING AND CONVENE INTO WORKSHOP SESSION TO DISCUSS THE FOLLOWING:

1. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON THE PRIORITIES ESTABLISHED AT THE CITY COUNCIL'S ANNUAL RETREAT HELD ON MARCH 22, 2014

At 8:50 pm, Mayor Kesselus recessed the Regular City Council Meeting and convened into the Workshop Session.

City Manager Talbot opened the discussion with the review of the Council's TOP 10 Priorities for 2014 through 2016 as outlined at the City Council's Retreat on March 22, 2014.

1. Update City's Comprehensive Plan
2. Develop a Short-Term and Long Term Water Plan Strategy for the City of Bastrop
3. Develop and Adopt Plan for Annexation/Utility Expansion
4. Develop Plan for Fire Protection
5. Continue Benchmarking [Staffing Levels, Types of Services, Financial Matrix (Tax Rate, Indebtedness), Succession Planning]
6. Explore a Plan for Affordable Housing within the City
7. Consider Constraints/Incentives for Infill Development (Form-Based Code Study/Ordinance will cover some of this)
8. Consider General Fund Level, Tax Rate, & Future Bonded Indebtedness for Infrastructure
- 9.1 Annual Review of City Manager's Performance
- 9.2 Implementation of Form-Based Codes for City Zoning
- 10 Review of Police Staffing

**PRELIMINARY
Subject To Change
Date _____**

COMPREHENSIVE PLAN - City Manager Talbot noted that there were two items that had been tied for 9th place as noted above. He acknowledged their first priority as the Update to the Comprehensive Plan, the additional funding by CAMPO, the great deal of work by City Staff, in addition to the cost to retain a Consultant to review the process, and setting a Committee to make future decisions. The entire process may take up to twelve months to complete, and there may be elements that would incorporate other priorities into the process.

WATER SUPPLY DEADLINE - City Manager Talbot noted January 2017 as the deadline date outlined in our Water Supply Strategic Plan to obtain water. The Council made inquiries on the creation of a MUDD and the possible impact this would have on our priorities. City Manager Talbot confirmed this would not change our priorities.

WATER CCN - Council requested to discuss the Water CCN at the next City Council Meeting. City Manager Talbot suggested looking at other areas of interest for future annexation. Council Member Beal noted this was good news and an opportunity for us to take on the endeavor of wastewater.

FIRE PLAN - City Manager Talbot encouraged our efforts of developing a Fire Plan. The Council was in support of continuing independently as a Municipal Department, because they were comfortable with the service our Municipality provides.

CITY DATA MATRIX - The Council approved the City Data Matrix provided by the City Manager that reflected comparison data to other municipalities with approximately the same population, and services provided. The Council welcomed City Manager Talbot's suggestion of incorporating the undeveloped areas within the City. Council Member Beal stated this would be a great resource for developers and for consideration of future affordable housing developments.

ADDITIONAL REQUESTS FROM THE COUNCIL FOR INCORPORATION:

- o YMCA
- o Traffic/TxDOT Project
- o Public Works List of Projects for the next three to four years.

City Manager Talbot acknowledged the requests and suggestions made this evening by our Council. He will begin the working on their requests and providing status updates at the upcoming City Council Meetings.

THE BASTROP CITY COUNCIL WILL ADJOURN THE WORKSHOP SESSION AND RECONVENE INTO THE REGULAR CITY COUNCIL MEETING TO TAKE ANY NECESSARY ACTION(S):

E. EXECUTIVE SESSION

E.1 THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, ET SEQ, TO DISCUSS THE FOLLOWING:

- 1. 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 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.**
 - A. CLAIM AGAINST THE CITY OF BASTROP FOR PROPERTY DAMAGES AT 1007 HILL ST.**
- 2. SECTION 551.072 – DELIBERATION REGARDING REAL PROPERTY: REGARDING THE PURCHASE, EXCHANGE, LEASE, DISPOSITION, OR VALUE OF REAL PROPERTY**
- 3. SECTION 551.074–PERSONNEL MATTERS–EVALUATE MUNICIPAL JUDGE & CITY ATTORNEY**
- 4. SECTION 551.086 - CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS**

~~E.2 THE BASTROP CITY COUNCIL WILL RECONVENE 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.~~

E.3 DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF THE CITY OF BASTROP MUNICIPAL JUDGE.

**PRELIMINARY
Subject To Change
Date _____**

At 9:34 pm, Mayor Kesselus convened the Bastrop City Council into Executive Session to discuss Items E.1 and E.3 as posted.

At 10:44 pm, Mayor reconvened in to open session to discuss, consider, and/or take action(s) necessary related to the Executive Session noted herein. He advised the Council of his decision to reappoint Judge Hines to serve as the City’s Municipal Court Judge for a (3) three-year term co-terminus with the Mayor’s term of office, pursuant to the law.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to reappoint Judge Hines to serve as the City’s Municipal Court Judge for a (3) three-year term co-terminus with the Mayor’s term of office, pursuant to the law.

SECOND – Council Member Beal seconded the motion

ROLL CALL VOTE – Motion passed by unanimous vote of 5-0.

F. ADJOURNMENT - Mayor Kesselus requested a motion to adjourn. Council Member McAnally made the motion, seconded by Council Member Gilleland; meeting adjourned by unanimous vote of 5-0 at 10:45 pm.

APPROVED: _____
Ken Kesselus, Mayor

ATTEST: _____
Elizabeth M. Lopez, City Secretary

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: August 13, 2014

MEETING DATE: August 26, 2014

1. Agenda Item: **Consideration, discussion and possible action on the SECOND READING of a proposed Ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2014 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date.**
2. Party Making Request: **Karla Stovall, Chief Financial Officer**
3. Nature of Request: (Brief Overview) Attachments: Yes No
4. Policy Implication: **These budget amendments increase the budget appropriations for Fiscal Year 2014. See attached memo.**
5. Budgeted: Yes No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
8. Staff Recommendation: **Staff recommends approval of the Budget Amendments**
9. Advisory Board: Approved Disapproved None
10. Manager's Recommendation: Approved Disapproved None
11. Action Taken: **First Reading approved at the August 12, 2014 City Council Meeting.**

ORDINANCE No. 2014-____

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2014 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Bastrop has submitted to the Mayor and Council proposed amendment(s) to the budget of the revenues and/or expenditures/expenses of conducting the affairs of said city and providing a complete financial plan for Fiscal Year 2014; and,

WHEREAS, the Mayor and Council have now provided for and conducted a public hearing on the budget as provided by law. Now, Therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, BASTROP COUNTY, TEXAS:

That the proposed budget amendments for the Fiscal Year 2014, as submitted to the City Council by the City Manager and which budget amendments are attached hereto as Exhibit "A" is hereby adopted and approved as the amended budget of said city for Fiscal Year 2014; and

Ordinance and prior actions in conflict herewith are hereby repealed; and

This Ordinance shall be and remain in full force and effect from and after its final passage and publication in accordance with existing statutory requirements.

READ and APPROVED on First Reading on the 12th day of August, 2014.

READ and ADOPTED on Second Reading on the _____ day of August, 2014.

APPROVED:

ATTEST:

Ken Kesselus, Mayor

Elizabeth Lopez, City Secretary

City of Bastrop
Memorandum

TO: Mayor & City Council Members
FROM: Karla Stovall, Chief Financial Officer
SUBJECT: Ordinance Amending FY 2014 Budget
DATE: August 12, 2014

Recommendation:

To approve Ordinance Amending the Budget for unanticipated revenue and expenses incurred not included in the original budget approved by City Council.

Background:

The city charter requires that when the budget is amended that the amendment be by ordinance. The budget amendments include an increase to the budget appropriations for Fiscal Year 2013. Funds included in these amendments include: General Fund, Designated Fund, Water Wastewater Fund, Hotel Motel Fund, and Grant Fund.

- General Fund includes:
 - City Manager: Transfer from BEDC for Salaries, TMRS and FICA expenses
 - Police Department: Receipt of Insurance Proceeds for vehicle repair
 - Organizational Department: Increase Professional Services
- Water Wastewater Fund includes:
 - Revenue and Expense necessary for 2014 audit to close in Acceleration fee Debt Service to Water Wastewater Fund.
 - Increase Debt Service Interest payment for 2013 Certificates of Obligation.
- Accelerated Fee Fund
 - Accelerated Fee Water and Wastewater receipts and offset to Developers Agreement.
- Hotel Motel Fund
 - Expenses attributable to funding of the Bastrop Fine Arts Guild, professional and Legal fees.
- 2013 Certificates of Obligation
 - Bond Proceed revenue and offset to applicable expenses.
- 2014 Certificates of Obligation
 - Bond Proceed revenue and offset to applicable expenses.
- Grant Fund
 - Revenues and expenditures associated with Library Impact Grant.
 - Revenues and expenditures associated with hazardous mitigation grant for the Generators, Gills Branch, and Piney Ridge projects.

**FY 2014
BUDGET AMENDMENTS
GENERAL FUND**

Fund Balance as of 9-30-13	3,575,905
FY 2014 Budgeted Revenues	8,750,070
FY 2014 Budgeted Appropriations	(9,176,070)
3/2014 Budget Amendments (net)	0
6/2014 Budget Amendments (net)	0
Ending Fund Balance	<u>3,149,905</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
City Manager	Neutral	30,000	BEDC Inkind	101-00-00-4493
Police	Neutral	15,152	Insurance proceeds	101-00-00-4537
New Revenue:				
	Increase	22,760	Property Lien Payments	101-00-00-4419
	Increase	5,470	Escrow Reimbursement	101-00-00-4047
	Total Revenues	73,382		
Matching Expenditures to Revenues:				
City Manager	Neutral	(30,000)	BEDC Transfer for Salaries	101-03-00-5101
Police	Neutral	(15,152)	Maint. of Vehicles-Patrol	101-09-22-5345
New Expenditure:				
Organizational	Increase	(22,750)	Professional Services	101-02-00-5505
City Manager	Increase	(3,180)	TMRS	101-03-00-5151
City Manager	Increase	(2,300)	FICA	101-03-00-5150
	Total Expenditures	<u>(73,382.0)</u>		
	Net Change	0		

FY 2014
BUDGET AMENDMENTS
WATER/WASTEWATER

22

Fund Balance as of 9-30-13	2,067,088
FY 2014 Budgeted Revenues	4,050,420
FY 2014 Budgeted Appropriations	(3,226,624)
6/2014 Budget Amendments (net)	<u>(99,618)</u>
Ending Fund Balance	<u>2,791,266</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	171,685	Trans In-Acceleration Fees Fund	202-00-00-4734
		<u>171,685</u>	Total Revenues	

Matching Expenditures to Revenues:

Increase	(99,618)	2013 Bond Int payment	202-35-10-7148
Neutral	(120,780)	2010 GO Refunding Princ	202-35-10-7139
Neutral	(50,905)	2010 GO Refunding Int	202-35-10-7140
		<u>(271,303)</u>	Total Expense
		(99,618)	Net Change

FY 2014
BUDGET AMENDMENTS
WATER/WASTEWATER

23

Fund Balance as of 9-30-13	699,794
FY 2014 Budgeted Revenues	252,264
FY 2014 Budgeted Appropriations	(250,485)

6/2014 Budget Amendments (net)	0
Ending Fund Balance	701,573

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	130,000	Accelerated Fee- water	304-00-00-4199
	Neutral	127,440	Accelerated Fee- wastewater	304-00-00-4299
		Total Revenues	257,440	

Matching Expenditures to Revenues:

	Neutral	(257,440)	Developers Agreement	304-00-00-5629
		Total Expense	(257,440)	
		Net Change	0	

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FY 2014
BUDGET AMENDMENTS
HOTEL/MOTEL TAX FUND

Fund Balance as of 9-30-13	1,905,557
FY 2014 Budgeted Revenues	2,332,520
FY 2014 Budgeted Appropriations	(2,353,010)

6/2014 Budget Amendments (net)	<u>0</u>
Ending Fund Balance	<u>1,885,067</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
New Revenue:				
	Increase	33,360	Increase in Hotel/Motel Tax Revenue	501-00-00-4007
		<u>33,360</u>	Total Revenues	

Matching Expenditures to Revenues:

New Expenditures:				
	Increase	(30,000)	Bastrop Fine Art Guild-Funding amended	501-80-00-5580
	Increase	(1,350)	Professional Services	501-80-00-5505
	Increase	(2,010)	Legal	501-80-00-5525
		<u>(33,360)</u>	Total Expense	
		0	Net Change	

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FY 2014
BUDGET AMENDMENTS
2013 COMB REV/TAX BOND

Fund Balance as of 9-30-13	0
FY 2014 Budgeted Revenues	0
FY 2014 Budgeted Appropriations	0
3/2014 Budget Amendments (net)	0
6/2014 Budget Amendments (net)	0
Ending Fund Balance	<u>0</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	595,000	Bond Proceeds	724-00-00-4380
		<u>595,000</u>		

Matching Expenditures to Revenues:

Neutral	190,040	Issuance Costs	724-00-00-5610
Neutral		Small Equipment	724-00-00-5610
Neutral	400,000	Street Improv-Farm St	724-00-00-6150
Neutral		Street Improv-Chambers St	724-00-00-6151
Neutral	3,680	Street Improv-Hasler	724-00-00-6152
Neutral		In-House St. Repair	724-00-00-6153
Neutral		HMG Match - Generators - Water	724-00-00-6235
Neutral		Water Well Development	724-00-00-6233
Neutral		Water Well Development	724-00-00-6233
Neutral		Phase I Improv of Business Ind. Park	724-00-00-6608
Neutral	1,280	Bridge Inspection	724-00-00-5686
Neutral		Water Supply Infrastructure Improv	724-00-00-6727
Neutral		Alley "D" Infrastr/Parking Improv	724-00-00-6712
Neutral		Extension of Hasler	724-00-00-6155
Neutral		Water Improvements	724-00-00-6230
Neutral		Wastewater Rehab	724-00-00-6723
Neutral		Gills Branch LS Relocation	724-00-00-6725
Neutral		18in Force Main-Gills Branch to WWTP	724-00-00-6726
Neutral		Main St Sidewalk/St Replacement	724-00-00-6154
Total Expense		<u>595,000</u>	
Net Change		0	

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FY 2014
BUDGET AMENDMENTS
2014 CO BOND

Fund Balance as of 9-30-13	0
FY 2014 Budgeted Revenues	0
FY 2014 Budgeted Appropriations	0
3/2014 Budget Amendments (net)	0
6/2014 Budget Amendments (net)	0
Ending Fund Balance	<u>0</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	7,000,000	Bond Proceeds	725-00-00-4380
		<u>7,000,000</u>		

Matching Expenditures to Revenues:

Neutral	(100,000)	Issuance Costs	725-00-00-5610
Neutral	(300,000)	Equip-VAC Truck	725-00-00-6010
Neutral	(1,700,000)	AMI Project	725-00-00-6705
Neutral	(500,000)	Water System Rehab	725-00-00-6722
Neutral	(500,000)	Wastewater System Rehab	725-00-00-6723
Neutral	(3,800,000)	Water Supply Infrastructure Improv	725-00-00-6727
Neutral	(100,000)	WWTP-Phase I	725-00-00-6728

Total Expense	<u>(7,000,000)</u>
Net Change	0

FY 2014
BUDGET AMENDMENTS
GRANT FUND

27

Fund Balance as of 9-30-13	0
FY 2014 Budgeted Revenues	0
FY 2014 Budgeted Appropriations	0
6/2014 Budget Amendments (net)	<u>0</u>
Ending Fund Balance	<u><u>0</u></u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
Library	Neutral	10,000	Library Impact Grant	801-00-00-4445
		236,842	HGMP-Loop 150 WTP Generator	801-00-00-4450
		236,841	HGMP-Willow WTP Generator	801-00-00-4451
		295,263	HMGP-Gills Branch Wildfire Mitigation	801-00-00-4452
		126,316	HMGP-Piney Ridge Organic Fuel Removal	801-00-00-4453
		<u>905,262</u>	Total Revenues	

Matching Expenditures to Revenues:

Library Department	Neutral	(10,000)	Library Impact Grant	801-00-00-5510
		(236,842)	HGMP-Loop 150 WTP Generator	801-00-00-6136
		(236,841)	HGMP-Willow WTP Generator	801-00-00-6137
		(295,263)	HMGP-Gills Branch Wildfire Mitigation	801-00-00-5372
		(126,316)	HMGP-Piney Ridge Organic Fuel Removal	801-00-00-5371
		<u>(905,262)</u>	Total Expense	
		0	Net Change	

CITY OF BASTROP

AGENDA ITEM **A-3**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: August 20, 2014

MEETING DATE: August 26, 2014

1. Agenda Item: **Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for Pecan Park Residential, Section 5A Final Plat being a +/- 17.06 tract out of a +/- 311.32 acre tract of land in the Mozea Rousseau Survey A-56 within the city limits of Bastrop, Texas.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes No

A city must take action on a plat within 30 days or the plat is automatically approved.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

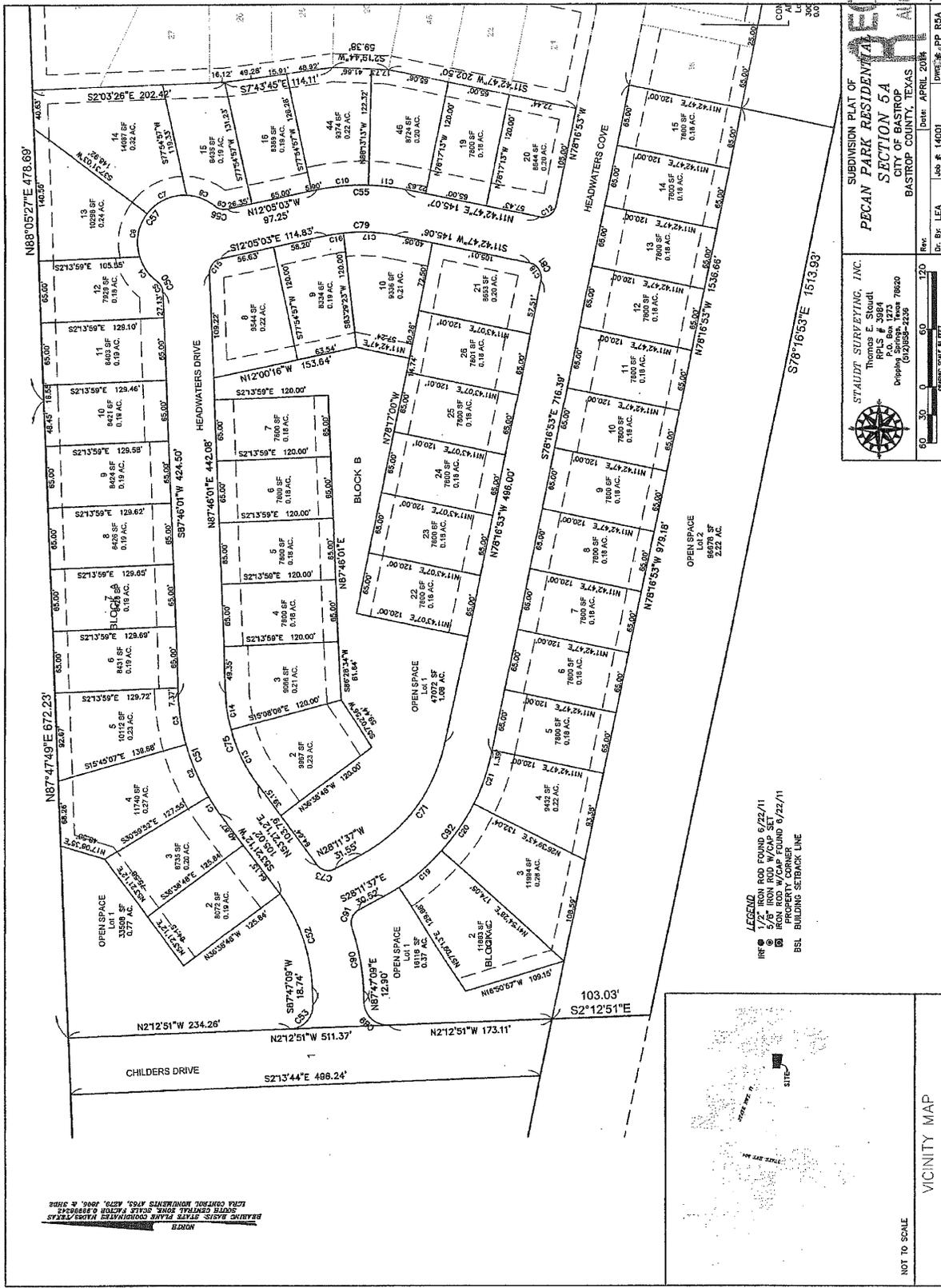
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____



STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: August 20, 2014
MEETING DATE: August 26, 2014

1. Agenda Item: **CONDUCT A PUBLIC HEARING:** The City Council will conduct the first "Public Hearing" on the Proposed Property Tax Rate for the City of Bastrop for Fiscal Year 2015.

2. Party Making Request: **Karla Stovall, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes No

In accordance with the "Truth in Taxation" laws of the State of Texas, if an entity's (the City of Bastrop) proposed tax rate exceeds the effective rate, the entity is required to conduct two public hearings. This evening the Council will conduct the first of the required "Public Hearing". The second public hearing is scheduled to be held at the regular City Council Meeting on September 9, 2014. The City Council cannot take any action regarding the tax rate at these public hearings. The sole purpose of the "Public Hearing" is to provide the public an opportunity to address the Council regarding the proposed tax rate. **The Bastrop City Council will consider the second reading of an ordinance to adopt the "Tax Rate" for the City of Bastrop Fiscal Year 2015 at the September 23, 2014 City Council Meeting at 6:30 pm at the City Hall located at 1311 Chestnut Street, Bastrop Texas 78602. Members of the public are encouraged to attend the hearings and express their views to the Mayor and City Council. Please note at the wording above in bold must be read at the close of the "Public Hearing".**

4. Policy Implication:

5. Budgeted: Yes No N/A

Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**

8. Staff Recommendation:

9. Advisory Board: Approved Disapproved None

10. Manager's Recommendation: Approved Disapproved None

As state above this is the "First Public Hearing" regarding the FY-15 proposed tax and to provide an opportunity for the citizens of Bastrop to address the City Council regarding the proposed tax rate. What is of upmost important is at the close of the Public Hearing the read the section in bold advising the public when the Council will action to adopt the "Tax Rate".

11. Action Taken: _____

NOTICE OF 2014 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF BASTROP, TEXAS

A tax rate of \$.5640 per \$100 valuation has been proposed for adoption by the governing body of City of Bastrop, Texas. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	\$ <u>.5640</u> per \$100
PRECEDING YEAR'S TAX RATE	\$ <u>.5840</u> per \$100
EFFECTIVE TAX RATE	\$ <u>.5534</u> per \$100
ROLLBACK TAX RATE	\$ <u>.5903</u> per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Bastrop, Texas from the same properties in both the 2013 tax year and the 2014 tax year.

The rollback tax rate is the highest tax rate that City of Bastrop, Texas may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Ms. Linda Harmon

 Bastrop County _____ tax assessor-collector
 211 Jackson Street, Bastrop, Texas 78602

 (512) 581-7161

 linda.harmon@co.bastrop.tx.us

 www.co.bastrop.tx.us

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

- First Hearing: August 26, 2014 at 6:30pm at City Hall, 1311 Chestnut Street, Bastrop, Tx. 78602
- Second Hearing: September 9, 2014 at 6:30pm at City Hall, 1311 Chestnut Street, Bastrop, Tx. 78602

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: August 15, 2014

MEETING DATE: August 26, 2014

1. Agenda Item: **Consideration, discussion and possible action on the Presentation of the Fiscal Year 2015 Bastrop’s Art in Public Places Task Force Budget.**

2. Party Making Request: **Karla Stovall, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes No

4. Policy Implication: _____

5. Budgeted: Yes No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation: _____

9. Advisory Board: Approved Disapproved None

10. Manager’s Recommendation: Approved Disapproved None

11. Action Taken: _____

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: August 15, 2014

MEETING DATE: August 26, 2014

1. Agenda Item: **Consideration, discussion and possible action on funding level allocation to entity's requesting Community Support Funding for Fiscal Year 2014-2015.**

2. Party Making Request: **Karla Stovall, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes No

4. Policy Implication: The calendar developed for the Community Support funding distribution identifies today, August 26, 2014 for City Council to approve the funding levels for organizations. Total amount to be distributed is \$80,000.

Attachment 1 is a spreadsheet identifying FY2013-2014 Funding Approved, FY2014-2015 Funding Request, and FY2014-2015 Proposed Funding.

5. Budgeted: Yes No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation: _____

9. Advisory Board: Approved Disapproved None

10. Manager's Recommendation: Approved Disapproved None

11. Action Taken: _____

CITY OF BASTROP
FY 2015 COMMUNITY SUPPORT FUNDING REQUEST

Organization	FY 2013-2014 FUNDING APPROVED	FY 2014-2015 FUNDING REQUEST	FY 2014-2015 PROPOSED FUNDING
Austin Habitat for Humanity, Inc.	\$ -	\$ 50,000	\$ 4,200
Bastrop County Child Welfare Board	\$ 2,900	\$ 2,525	\$ 2,200
Bastrop County Emergency Food Pantry and Support Center, Inc.	\$ 19,000	\$ 19,000	\$ 19,100
Bastrop County Women's Shelter, Inc.-Family Crisis Center	\$ 11,700	\$ 11,000	\$ 9,800
Bastrop Pregnancy Resource Center	\$ -	\$ 20,000	\$ 3,200
Boys & Girls Club of Bastrop County	\$ -	\$ 45,000	\$ 5,140
Children's Advocacy Center of Bastrop County	\$ 9,300	\$ 11,000	\$ 8,460
Colorado River Alliance	\$ -	\$ 10,000	\$ 3,500
Combined Community Action, Inc.	\$ 8,000	\$ 8,000	\$ 7,000
Court Appointed Special Advocate of Bastrop County-C.A.S.A.	\$ 6,300	\$ 6,100	\$ 5,440
Literacy Volunteers of America-Bastrop	\$ 6,900	\$ 10,000	\$ 6,140
YMCA of Austin/Bastrop Branch	\$ -	\$ 12,000	\$ 5,820
Total	\$ 64,100	\$ 204,625	\$ 80,000

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: August 20, 2014

MEETING DATE: August 26, 2014

- 1. Agenda Item: Consideration, discussion and possible action on the Bastrop Economic Development Corporation entering into an Economic Development Agreement with The Coghlan Group, Inc.
- 2. Party Making Request: David Quinn, BEDC Executive Director
- 3. Nature of Request: (Brief Overview) Attachments: Yes No

At the April 21, 2014, meeting of the Bastrop Economic Development Corporation, the BEDC Board of Directors approved entering into an Economic Development Agreement with The Coghlan Group, Inc., who is an existing business in the Industrial Park but is now purchasing another tract that is approximately 0.38 acres in the Industrial Park to build a second 40,000 square foot facility, for the expansion of The Coghlan Group, a company that provides logistics services for drug companies doing medical studies. The expanded project will create primary jobs and therefore does not require a Public Hearing. As part of the incentives agreement with the company, the BEDC will rebate 100% of the purchase price of the property, upon certain milestones detailed in the agreement, in the total amount of \$10,000. The Economic Development Agreement is included for the Council's review.

The BEDC requests the Council's approval of this Project.

- 4. Policy Implication: _____
- 5. Budgeted: Yes No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
- 6. Alternate Option/Costs: _____
- 7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
- 8. Staff Recommendation: _____
- 9. Advisory Board: Approved Disapproved None
- 10. Manager's Recommendation: Approved Disapproved None
- 11. Action Taken: _____

RESOLUTION NO. R-2014-__**A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS,
APPROVING A PROJECT, USING FUNDS PROVIDED BY THE BASTROP
ECONOMIC DEVELOPMENT CORPORATION.**

WHEREAS, the Board of the Bastrop Economic Development Corporation (“BEDC”) met on April 21, 2014, and at that time took formal action to support and provide funds for various projects; and

WHEREAS, Section 4B(3), of the Texas Economic Development Act, mandates that prior to the BEDC funding a project involving an expenditure by the BEDC of more than \$10,000, per project, the City Council shall adopt a Resolution authorizing the project, which Resolution shall be read by the City Council, on two separate occasions; and

WHEREAS, the City has reviewed the April 21, 2014, actions of the BEDC related to the project noted herein below, has considered and evaluated that project, and has found it meritorious of the Council’s approval.

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

- (1) The City Council of the City of Bastrop, Texas, hereby approves the following project, which had been approved for funding by the BEDC:
 - a. To fund a project (“The Coghlan Expansion Project”) in the Bastrop Business & Industrial Park in an amount of \$10,000, which will be rebated to the company as detailed in the Economic Development agreement between the Bastrop Economic Development Corporation and The Coghlan Group, Inc.
- (2) The City Manager is hereby authorized to convey a copy of this Resolution of approval, as appropriate.
- (3) That this Resolution shall take effect immediately from and after its passage, and is accordingly so resolved.

READ and ACKNOWLEDGED on First Reading on the 26th of August 2014.

READ and ADOPTED on Second Reading on the 9th day of September 2014.

APPROVED:

Ken Kesselus, Mayor

ATTEST:

Elizabeth Lopez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

**ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE BASTROP ECONOMIC DEVELOPMENT CORPORATION
AND
COGHLAN GROUP**

This Economic Development Agreement (this "Agreement") is entered into by and between Coghlan Group, Inc. a Texas corporation, and its successors and assigns (the "Owner" or "Coghlan"), the Bastrop Economic Development Corporation, a public instrumentality and 4B non-profit industrial development corporation (the "BEDC") which is incorporated under the State law set forth in the Local Government Code, Section 501, *et seq.*, as amended. The Owner and the BEDC may be referred to jointly as the "Parties" and singularly as a "Party."

RECITALS

WHEREAS, BEDC is legally authorized to provide certain economic development incentives to the Owner in recognition of the economic benefits that will occur as a result of the Owner's development of a facility that employs personnel to provide logistics services to drug companies doing medical studies, to be located in the Industrial Park ("Project").

WHEREAS, the BEDC desires to offer incentives to the Owner which will enable the Owner to develop the Land as an employer of personnel to provide logistics services for drug companies doing medical studies; and

WHEREAS, the BEDC has determined that development of the property (**the "Land"**) as is more particularly described on Exhibit "A" ("Legal Description of Property"), will contribute to the economic development of the City by enhancing and developing employment opportunities and sales tax revenue in the community.

NOW, THEREFORE, in consideration of the mutual benefits described in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the BEDC and the Owner agree as follows:

**1.
AUTHORITY**

The BEDC's execution of this Agreement is authorized by Chapter 501 of the *Texas Local Government Code*, and constitutes a valid and binding obligation of the BEDC subject to the condition precedent that Owner acquires the appropriate land, obtain financing to develop the Project, complete development and improvements related to the Project, and fulfill all obligations, as specified herein.

The Owner's execution and performance of this Agreement constitutes a valid and binding obligation of Owner for the Owner to proceed with the Project. Owner acknowledges that BEDC is acting in reliance upon Owner's full and complete performance of its obligations under this Agreement in making its decision to commit substantial resources to this Project.

2. DEFINITIONS

As used in this Agreement, the following words or phrases shall have the following meanings:

2.1 "Act of Default or Default" means failure to timely, fully, and completely comply with one or more requirements, obligations, duties, terms, conditions or warranties, as stated in this Agreement. In certain circumstances, the BEDC in its sole discretion, may accept substantial compliance in lieu of full compliance and may waive the act of default by the Owner, and visa-versa.

2.2 "Certificate of Occupancy" shall mean that final document issued by the City of Bastrop, Texas, entitled "Certificate of Occupancy", indicating that all applicable codes, regulations, and ordinances enforced by the City of Bastrop have been unconditionally, fully and completely complied with in all respects. A Certificate of Occupancy shall not include a certificate issued in error, mistake or misrepresentation of facts, nor any temporary or "conditional" document, authorizing temporary or conditional occupancy.

2.3 "Incentive Payment(s)" means money paid by the BEDC to the Owner, rebating the real Land investment amount by the Owner, to incentivize Owner's development of the Project.

2.4 "City of Bastrop" or "City" means the governing municipal corporation that is legally authorized to control the area that is within the city limits of the City of Bastrop, and the area that is within the City's ETJ and/or Bastrop County, Texas.

2.5 "Code" means the Bastrop Code of Ordinances in effect on the date the Project construction plans, permits, and related documents are approved by the City.

2.6 "Designated Successors and Assigns" shall mean (i) an entity to which Owner assigns (in writing) all or a portion of its rights and obligations contained in this Agreement, (ii) any entity which is the successor by merger or otherwise to all or substantially all of Owner's assets and liabilities including, but not limited to, any merger or acquisition pursuant to any public offering or reorganization to obtain financing and/or growth capital; or (iii) any entity which may have acquired all of the outstanding stock or partnership interest of Owner.

2.7 "Effective Date" means the date upon which this Agreement has been signed by both Parties.

2.8 "Force Majeure" means any event in which any Party shall be delayed, hindered in or prevented from the performance of any act required under this Agreement by reason of strikes, lockouts, labor troubles, inability to procure materials, failure of power, unavailability of any utility service, restrictive governmental laws or regulations, riots, insurrections, the act, the failure to act, or default of another Party or a material worsening of current conditions caused by acts of terrorism or war (whether or not declared), or severe weather occurring after the execution of this Agreement, which materially impair the Party's ability to perform any act required under this Agreement.

2.9 "Construction Documents" shall mean construction plans approved by the City, related to construction of the Project.

2.10 "Owner" means Coghlan Group, Inc., a Texas for-profit corporation, action by and through its duly authorized representative, Terry Coghlan.

2.11 "Project" means the development of the Land to house a facility that will employ personnel to provide logistics services for drug companies doing medical studies; which fulfills the purpose of enhancing employment and generating sales tax, within the Bastrop community. Details related to the Project are set forth in Exhibit "B" ("Project Description"), attached hereto and incorporated herein for all purposes, but shall have a facility with approximately 40,000 sq. ft.

2.12 "Minimum Investment Amount" means the Owner's minimum investment for construction of the Project in the minimum amount of approximately \$2,500,000.00.

3.
TERM

This Agreement will become enforceable upon the Effective Date and will terminate on the first to occur of: (a) the expiration of the Incentive Term; or (b) upon termination or default as provided for herein (the "Term").

4.
DESIGN CRITERIA/DEVELOPMENT STANDARDS/MAINTENANCE

4.1 Owner agrees to comply with the Code in effect upon the Effective Date, as amended or supplemented by this Agreement. Notwithstanding the foregoing, Owner, in its sole discretion, may choose to comply with any or all City rules promulgated after the date of the Code.

4.2 It shall be the duty and responsibility of the Owner to ensure that the Land and the buildings and improvements located thereon are consistently maintained in

good order and condition and state of repair in accordance with other first class employers of personnel providing logistics services for drug companies doing medical studies, located in Central Texas, including, but not limited to, sweeping and removal of trash, litter and refuse, painting of structures and striping of parking areas, repair and replacement of paving as necessary, maintenance of landscaped areas, detention pond and on-site drainage improvements, removal and proper disposal of any and all production wastes from the Land, clearing of waste from manufacturing process and ice and snow from driveways and parking areas, and maintenance and repair of fencing, lighting fixtures and signs. The failure or refusal of Owner, at any time during the Term, to fulfill or perform any of the obligations contained in this Section 4.2 shall constitute an event of default under this Agreement if such failure or refusal shall continue without correction for a period of thirty (30) days from and after written notice from City and/or the BEDC to Owner; provided, however if due to the nature of said obligation, the same could not be reasonably fulfilled or performed within said thirty (30) day period exercising due diligence, an event of default shall not be deemed to have occurred if Owner has been continuously, diligently pursuing the fulfillment or performance of the obligation and shall thereafter continuously and diligently proceed therewith until completion. With respect to any event of default under this Section 4.2, the BEDC shall have, as its sole and exclusive remedy, the right, but not the obligation, after such notice and cure period to cure such default by the payment of money or the performance of some other action for the account of and at the expense of the defaulting Owner. To effectuate any such cure, either the City or the BEDC shall have the right to enter upon the Land to perform any necessary work or furnish any necessary materials or services to cure the default of the defaulting Owner. In the event the City cures a default during the Term, the defaulting Owner shall reimburse City for all reasonable and out-of-pocket costs and expenses incurred in connection with the uncured condition and such curative action within thirty (30) days of receipt of demand, together with reasonable documentation supporting the costs incurred and/or expenditures made.

5.

BEDC OBLIGATIONS

5.1 The BEDC will sell to Coghlan the Land, comprised of a tract that is approximately .38 acres. [the Bastrop Business and Industrial Park, Phase 1, Reserve Area B, Lot 3, as recorded in Plat Cabinet 3, Page 136A (BACD reference number R81935), as more fully shown on Exhibit "A".]

5.2 The BEDC will sell the Land to Coghlan for a total of \$10,000. ("Purchase Price") for construction and operation of the Project.

5.3 The BEDC will place 100% of the Purchase Price, ("Incentive Funds") (i.e., \$10,000), into a designated incentive account at the time of closing the sale on the Land. These Incentive Funds will be rebated back to Coghlan, in the future, based

upon Coghlan's successful performance of the agreed upon "Incentive Milestones." [See Section 6.3, below, for a basic outline of the Incentive Milestones that will apply.]

6.

OWNER'S COVENANTS, WARRANTIES, OBLIGATIONS AND DUTIES

Owner makes the following covenants and warranties to the City and to BEDC, and agrees to timely and fully perform the obligations and duties provided below. Any false or substantially misleading statement contained herein or failure to timely and fully perform as required in this Agreement shall be an Act of Default by Owner.

6.1 Coghlan's Employment Obligations:

Enhancing employment opportunities in Bastrop is a seminal objective of the BEDC. Therefore, in order to qualify for the incentives offered by the BEDC, Coghlan will contractually commit to continuously employ the number of "full-time"/"full-time equivalent" employees ("FTE") (i.e., 1,820 hours/year), shown below. The Parties agree that the 'term' of the first 'Operational Year' will begin the day the permanent Certificate of Occupancy is issued by the City for the new facility to be located on the Land, and that each Operational Year, thereafter, will be a period of 365 days. Note: Coghlan's Employment Obligations will be measured by Operational Year, as shown below, and *not* by years congruent with the annual anniversary date of the agreement; further, the new FTE's to be added to Coghlan's operations will be added to Coghlan's currently existing employment base, as of 2014, of 27 FTEs.

NEW EMPLOYEE COUNT PER COGHLAN'S "OPERATIONAL YEAR"

OPERATIONAL YEAR	# OF NEW FTES TO BE ADDED IN OP. YR.	TOTAL FTES FOR ALL OF COGHLAN'S OPERATIONS
1	3	30
2	3	33
3	3	36
4	3	39
5	0	39
6	0	39
7	0	39

Upon reaching the maximum number of FTEs, Coghlan will then continuously employ 39 FTEs for a period of a minimum of three (3) years, at which time Coghlan's employment obligations under the incentive agreement shall be fully satisfied ("Incentive Term"). This may not occur until Operational Year 7. However, it might result earlier. By way of example only, should Coghlan ramp-up its operations and employment to utilize 39 FTEs in Operational Year 2, and continue to employee the 39 FTEs until

Operational Year 5, then the employment obligations for Operational years 6 and 7 would be deemed to have been completed successfully, at the end of year 5, and Coghlan's employment obligations would cease at that time.

6.2 Coghlan's Construction Obligations: Owner shall construct a Facility with approximately 40,000 sq. ft., under climate control, and obtain a final Certificate of Occupancy for same, form the City of Bastrop.

6.3 Incentive Milestones: The Incentive Milestones and related reimbursements by the BEDC, will be as follows:

- 1) Upon: (i) completion of construction of the Facility in the Industrial Park, with a construction value of a minimum of \$2.5 million, and (ii) issuance of the permanent Certificate of Occupancy by the City, for the Facility, the BEDC will rebate to Coghlan 50% of the agreed upon incentive amount, i.e., \$5,000.
- 2) Upon demonstrating that Coghlan has achieved a total of 39 FTEs and that it has maintained that level of employment for at least thirty-six (36) consecutive months, the BEDC will rebate an additional 50% of the agreed upon incentive amount in escrow, i.e., \$5,000.00.

6.4 Purchase of Land. Owner shall acquire fee ownership of the Land and any improvements that are located on the Land. The Parties agree that the 2012 fair market value of the Land, including the existing improvements, if any, is approximately \$10,000.

6.5 Minimum Investment Amount. After acquisition, Owner shall develop the Land and improvements thereon with a minimum investment of \$2.5 million, which work shall be completed on or before the end of 24 months following the Effective Date.

6.6 Owner is authorized to do business and is in good standing in the State of Texas and shall remain in good standing in the State of Texas during the Term of this Agreement.

6.7 The execution of this Agreement has been duly authorized by Owner's directors, if any, and the individual signing this Agreement is empowered to execute such Agreement and bind the corporation, said authorization, signing and binding effect is not in contravention of any law, rule or regulation, or of the provisions of Owner's corporate agreements, or by-laws, or of any agreement or instrument to which Owner is a party or by which it may be bound.

6.8 No litigation or governmental proceeding is pending or, to the knowledge of Owner or Owner's officers, threatened against or affecting Owner that may result in any material adverse change in Owner's business, properties or operation. No consent, approval or authorization of or registration or declaration within any governmental

authority is required in connection with the execution of this Agreement or the transactions contemplated hereby.

6.9 There are no bankruptcy proceedings or other proceedings currently pending or contemplated, and Owner has not been informed of any potential involuntary bankruptcy proceedings.

6.10 To its current, actual knowledge, Owner has acquired and maintained all necessary rights, licenses, permits and authority currently required to carry on its business in Bastrop, Texas, and will continue to use its best efforts to acquire and maintain all necessary rights, licenses, permits and authority.

6.11 Owner shall timely and fully comply with all of the terms and conditions of this Agreement.

6.12 Owner shall timely acquire and provide evidence of same to the BEDC, fiscal assurance instruments and/or performance bonds in a total amount required to cover all construction obligations related to the Project.

6.13 Owner shall diligently and faithfully, in good and workmanlike manner, pursue the completion of the Project, which shall be completed no later than the end of the 27th full calendar months following the Effective Date.

6.14 Owner shall purchase all public utility services required for the Project offered by the City for a period of at least ten (10) years from the date of issuance of the Certificate of Occupancy.

7.

Suspension of Payments/CESSATION OF OPERATIONS

7.1 The BEDC, under the following circumstances, and at its sole discretion, may suspend its obligations under this Agreement and all future payment obligations shall automatically cease upon any one of the following events, which are an Act of Default:

- a. The appointment of a receiver of Owner, or of all or any substantial part of its Land, and the failure of such receiver to be discharged within sixty (60) days thereafter.
- b. The adjudication of Owner as bankrupt.
- c. The filing by Owner of a petition or an answer seeking bankruptcy, receivership, reorganization, or admitting the material allegations of a petition filed against it in any bankruptcy or reorganization proceeding.

7.2 Cessation of Operations/BEDC's Right to Reacquire the Land and the Facility. In the event that Coghlan ceases its operations at the Facility in the Industrial Park, then Coghlan will have the opportunity to assign or sell its ownership rights to the Land and Facility to another party. However, if the sale or assignment is not completed within 18 months of Coghlan's cessation of operations, then Coghlan will be contractually obligated to provide the BEDC the right to purchase the Land and the Facility (not to include any equipment or inventory) from Coghlan at an amount equal to the then current Fair Market Value, as determined by an independent third party appraisal. Should BEDC decline to make the purchase within six (6) months of the Parties receipt of the FMV appraisal, then, Coghlan will be open to market, sell or lease the Facility to another party of its choosing.

8.
Reporting and Monitoring

8.1 The BEDC shall, upon reasonable prior written notice to Owner and during normal business hours, but in any event not more than two (2) times per calendar year, have the right to audit and inspect Owner's records and books and all other relevant records related to each of the economic development considerations and incentives and performance requirements, as stated in this Agreement, but the confidentiality of such records and information shall be maintained, unless disclosure of such records and information shall be required by a court order, a lawfully issued subpoena, or at the direction of the Office of the Texas Attorney General. The failure to comply with these reporting and monitoring provisions shall constitute an Act of Default.

9.
Owner's Liability

9.1 Should Owner fail to timely or substantially comply with any one or more of the requirements, obligations, duties, terms, conditions or warranties of this Agreement (except as expressly provided for in Section 4.2 herein) such failure shall be an Act of Default by Owner and, if not cured and corrected within thirty (30) days after written notice to do so, BEDC may cease making any further economic payments pursuant to this Agreement and shall have the right to draw down on any fiscal posted by Owner.

9.2 In consideration of and precedent to the City's and BEDC's grant of the economic incentives noted herein, Owner acknowledges and agrees that should Owner fail to make the improvements set forth herein, fails to comply with the Employment requirements provided above, or ceases to operate the Project prior to the expiration of the Agreement (i.e., 7 years from the Effective Date of the Agreement), the Owner shall be responsible for repayment of any economic incentive received from the City and the BEDC, as of the time of the Owner's failure to perform.

9.3 Any delay for any amount of time by BEDC or the City in providing notice of Default to Owner shall in no event be deemed or constitute a waiver of such Default by BEDC or the City of any of their rights and remedies available in law or in equity.

9.4 Any waiver granted by BEDC or the City to Owner of an Act of Default shall not be deemed or constitute a waiver of any other existing or future Act of Default by Owner or of a subsequent Act of Default of the same act or event by Owner.

10.
BEDC Liability Limitations

Should the BEDC fail to timely or substantially comply with any one or more of the requirements, obligations, duties, terms, conditions or warranties of this Agreement, such failures shall be an Act of Default by BEDC and BEDC shall have ninety (90) days to cure and remove the Default upon receipt of written notice to do so from Owner. Owner specifically agrees that BEDC shall only be liable to Owner for the work and the grants provided for herein, and shall not be liable to Owner for any alleged or actual consequential damages or other fees or costs, including but not limited to interest, attorneys fees, or court costs.

11.
Land Use

11.1 The Parties agree that the Land shall be used in a manner that is compliant with uses consistent with other first class, Central Texas employers who facilitate the provision of logistical services for drug companies doing medical studies. The Parties agree that all site development standards and requirements for use of Land located in the "Light Industrial" classification shall apply to the Project unless specifically superseded by the standards and requirements of this Agreement.

12.
Miscellaneous Provisions

12.1 **Complete Agreement/Amendment.** This Agreement represents a complete agreement of the Parties and supersedes all prior written and oral matters related to this Agreement. This Agreement may be canceled, changed, modified or amended, in whole or in part, only by written agreement by the BEDC and Owner.

12.2 **Mutual Assistance/Good Faith.** The Parties agree to act in Good Faith and to do all things reasonably necessary or appropriate to carry out the terms and provisions of this Agreement, and to aid and assist the other in carrying out such terms and provisions in order to put the other in the same condition contemplated by this Agreement, regardless of any changes in public policy, the law or taxes or assessments attributable to the Land.

12.3 Representations and Warranties. The Parties represent and warrant to one another that this Agreement is within their authority, and that they are duly authorized and empowered to enter into this Agreement, unless otherwise ordered by a court of competent jurisdiction.

12.4 Attorney's Fees. If any legal action or proceeding is commenced between the BEDC and/or the Owner to enforce the provisions of this Agreement or to recover damages for its breach, the prevailing Party in the legal action will be entitled to recover its reasonable attorney's fees and expenses incurred by reason of such action, to the extent allowed by law.

12.5 Binding Effect. This Agreement will be binding on and inure to the benefit of the Parties and their respective successors and assigns.

12.6 Termination. If the Owner elects not to proceed with the acquisition of the Land or the development of the Project, as contemplated by this Agreement, the Owner will notify the BEDC in writing, and this Agreement and the obligations of all Parties will be deemed terminated and of no further force or effect as of the date of such notice, except those that expressly survive the termination hereof, if any. In the event of Termination, the Owner shall be responsible for repayment of any economic incentive received from the BEDC which was paid prior to the time of the failure to perform, plus all professional costs to the BEDC in preparing any agreements or documents related to the Project, if any.

12.7 Notice. Any notice or other communication ("Notice") given under this Agreement must be in writing, and may be given: (i) by depositing the Notice in the United States Mail, postage paid, certified, and addressed to the Party to be notified with return receipt requested; (ii) by personal delivery of the Notice to the Party, or an agent of the Party; or (iii) by confirmed facsimile, provided that a copy of the Notice is also given in one of the manners specified in (i) or (ii). Notice deposited in the mail in the manner specified will be effective two (2) business days after deposit. Notice given in any other manner will be effective only if and when received by the Party to be notified. For the purposes of Notice, the addresses of the Parties will, until changed as provided below, be as follows:

Owner:	Terry Coghlan Bastrop, TX 78602 Phone: 512. <u>303-1265</u> Fax: 512. <u>303-1390</u>
BEDC	Bastrop Economic Development Corporation Attn: Steve Mills and/or Dave Quinn 903 Main Street Bastrop, Texas 78602-3809 Phone: (512) 303-9700

With a copy to: Bastrop Economic Development Corporation
Attn: Jo-Christy Brown, Esq.
1411 West Ave., Ste. 100
Austin, Texas 78701
Ph: (512) 236-1000
Fax: (512) 236-1910

All Parties may designate a different address at any time by giving Notice to the other Parties.

12.8 Interpretation. Each of the Parties has been represented by counsel of their choosing in the negotiation and preparation of this Agreement. In the event of any dispute regarding the interpretation of this Agreement, this Agreement will be interpreted fairly and reasonably and neither more strongly for nor against any Party based on draftsmanship.

12.9 Relationship of the Parties. This Agreement will not be construed as establishing a partnership or joint venture, joint enterprise, express or implied agency, or employer-employee relationship between the parties. Neither the BEDC, nor its past, present or future officers, elected officials, employees or agents, assume any responsibility or liability to any third party in connection with the development of the Project or the design, construction or operation of any portion of the Project.

12.10 Applicable Law. This Agreement is made, and will be construed and interpreted, under the laws of the State of Texas and venue will lie in Bastrop County, Texas. No Party to this Agreement waives or relinquishes any immunity or defense on behalf of itself, its officers, employees, agents or representatives as a result of the approval or execution of this Agreement.

12.11 Severability. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected and it is also the intention of the Parties that, in lieu of each provision that is found to be illegal, invalid or unenforceable, a provision be added to this Agreement which is legal, valid or enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

12.12 Paragraph Headings. The paragraph headings contained in this Agreement are for convenience only and will in no way enlarge or limit the scope or meaning of the paragraphs.

12.13 No Third Party Beneficiaries. This Agreement is not intended to nor shall it be interpreted to confer any rights, privileges or causes of action upon any third party.

12.14 Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which will constitute one and the same instrument. A facsimile signature will be deemed to be an original signature for all purposes.

12.15 Exhibits. The following exhibits are attached to and incorporated into this Agreement for all purposes.

- Exhibit "A" Legal Description of Property
- Exhibit "B" Project Description

[Signature Page to Follow]

EXECUTED to be effective as of the 16th day of June, 2014.

OWNER:

Coghlan Group, Inc.,
a Texas corporation

By: Terry H. Coghlan
Name: Terry Coghlan,
Title: President

APPROVED BY BEDC:

**BASTROP ECONOMIC DEVELOPMENT
CORPORATION**

By: Steve Mills
Name: Steve Mills
Title: Chair of the BEDC Board of Directors

Approved As To Form:

JoChristy Brown
JoChristy Brown, Attorney for BEDC