

**NOTICE OF REGULAR MEETING
BASTROP CITY COUNCIL
Tuesday, October 22, 2013
6:15 P.M.**

Pursuant to the Texas Government Code, Chapter 551, the City Council of Bastrop, Texas will hold a regular meeting on **October 22, 2013 at 6:15 p.m.** at the Council Chambers of City Hall located at 1311 Chestnut Street, Bastrop, Texas and will consider the following matters:

ANNOUNCEMENTS

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Presentations
4. Proclamations
 - A. Proclaim October as National Breast Cancer Awareness Month
 - B. Proclaim Arbor Day on November 1st, 2013 at the Bryant Park in Bastrop, Texas
5. Announcements

CITY MANAGER'S INFORMATIONAL REPORT FOR SEPTEMBER 24, 2013: Items for update, discussion and possible action:

- A. Meetings and Events Attended:
 1. Attended the Boy Scouts of America Community Leaders Meeting on October 9, 2013.
 2. Attended a Special Meeting of the Lost Pines Groundwater Conservation District on October 15, 2013.
 3. Attended the monthly meeting of the Bastrop Main Street Advisory Board on October 8, 2013.
 4. Attended the monthly meeting of the Lost Pines Groundwater Conservation District on October 16, 2013.
 5. Gave a presentation to the Best Leadership Class on October 18, 2013.
- B. Update on City Projects and Issues:
 1. Water Usage report for the period of August 24, 2013 through October 3, 2013.
 2. Update and Schedule regarding the AMI Project.
 3. Update on the Short and Long Term Water Supply Options/.
 4. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.
 5. Meeting with Dave Marsh General Manager Capital Area Rural Transportation District.
 6. Flood Levels of the Colorado River October 14th & 15th, 2013.
 7. Filling the vacancy of the Chief of Police position.
 8. Purchase of Police Vehicles for the Police Department.
 9. Status of the Chief of Police Vacancy.
 10. Energy Emergency Alert Coordination Agreement between Bluebonnet Electric Co-Op and the City of Bastrop.
- C. Update on City Various City Operations:
 1. Convention Center Activities
 2. Main Street Program
 3. Commercial/Residential Construction Projects in the City
 4. YMCA Activities

Inviting input from the City Council related to issues for possible inclusion on future agenda's on 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 on the Consent Agenda 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	ORIGINATOR
A.1	Approval of meeting Minutes for the Regular Council Meetings held on September 24, 2013 and October 8, 2013.	A.1		Elizabeth 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 granting a zoning/re-zoning district change for the following adjacent tracts of land: 1) C2 , Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street; and 2) C1 , Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and 3) SF7 , Single Family Residential to C1, Commercial Light for +/- 1.2757 acres within Building Block 119 East of Water Street in the City limits of Bastrop, Texas; and establishing an effective date.	A.2		Melissa McCollum
A.3	Consideration, discussion and possible action on an adoption of a RESOLUTION to participate in the Regional Ozone Advance Program .	A.3		Melissa McCollum
A.4	Consideration, discussion and possible action on adoption of a RESOLUTION approving Mr. Roderick Emanuel's request to continue serving as a member of the Bastrop Central Appraisal District Board Directors.	A.4		Elizabeth Lopez

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

B.1	CONDUCT A PUBLIC HEARING to receive citizens input on an amendment to Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards to add residential design standards in single family residential districts.	B.1		Melissa McCollum
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- B.2 **CONDUCT A PUBLIC HEARING** to receive citizens input on an amendment to Chapter 14 of the Zoning Ordinance to amend the definition of Home Occupation in Section A-3 and amend the Use Charts in Section 36.3 to reflect that a Home Occupation does not require a Conditional Use Permit (CUP). B.2 Melissa McCollum
- B.3 **CONDUCT A PUBLIC HEARING** to receive citizens input on a Replat of the west half of Lot 11 in the Young Subdivision being +/- 0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street within the city limits of Bastrop, Texas. B.3 Melissa McCollum

B.4 Citizen Comments

B.5

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, Chapter 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

D. NEW BUSINESS

- D.1 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 2013 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. D.1 Karla Stovall
- D2 Consideration, discussion and **POSSIBLE ACTION** on a request for a **REPLAT** of Lot 11 in the Young Subdivision being +/-0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street within the city limits of Bastrop, Texas. D2 Melissa McCollum
- D.3 Consideration, discussion and possible action on the **FIRST READING** of a proposed Ordinance granting an amendment to Section 37.2 Construction Standards adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and providing an effective date. D.2 Melissa McCollum

- D.4 Consideration, discussion and possible action on the **FIRST D.3** Melissa
READING of a proposed Ordinance granting an amendment to McCollum
Section A-3 Definition 123 Home Occupation and amending the Use
Chart, Section 36.3 to reflect that Home Occupations do not require
and Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A"
Zoning Ordinance, relating to the regulation of Home Occupation
uses in residential areas; providing a severability clause; and
providing an effective date.
- D.5 Consideration, discussion and **POSSIBLE ACTION** with respect to D.4 Mike
"An **ORDINANCE** of the City Council of the City of Bastrop, Talbot
Texas, **Authorizing the issuance** and Sale of City of Bastrop, Texas,
Combination Tax and Revenue **Certificates of Obligation**, Series
2013; Providing for the Security for and Payment of Said
Certificates; Prescribing the Form of Said Certificates; Awarding the
Sale Thereof; Approving the Paying Agent/Registrar Agreement, and
the Official Statement; and Enacting Other Provisions Relating to the
Subject".
- D.6 Consideration, discussion and possible action approving a D.5 Mike
RESOLUTION ENACTING A 180-DAY MORATORIUM on the Talbot
PROHIBITION of and Code Enforcement Actions against
Breweries and Wineries, holding either a current and valid Texas
Alcohol and beverage commission type "G" Permit or Type "B"
Permit for such businesses operating within the central Business
District of the City of Bastrop, Texas; providing for expiration of the
moratorium; and providing an effective date.

E. EXECUTIVE SESSION

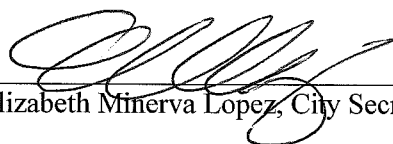
- E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:
1. SECTION 551.071(1) (A) and SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **"Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas,"** 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.

- 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

CERTIFICATE

*I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Bastrop, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted the **18th day of October 2013 at 3:00 p.m.** Copies of this agenda have been provided to those members of the media requesting such information.*


Elizabeth Minerva 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 FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE.

Confirm time posted: KR

PROCLAMATION



Whereas, The Mayor of the City of Bastrop Texas Proclaims October as the National Breast Cancer Awareness Month; and

Whereas, Breast cancer touches the lives of Americans from every background and in every community across our Nation. Though we have made great strides in combatting this devastating illness, more than 200,000 women will be diagnosed with breast cancer this year, and tens of thousands are expected to lose their lives to the disease. During National Breast Cancer Awareness Month, we honor those we have lost, lend our strength to those who carry on the fight, and pledge to educate ourselves and our loved ones about this tragic disease; and

*Whereas, Though the exact causes of breast cancer are unknown, understanding its risk factors is essential to prevention. Older women and those who have a personal or family history of breast cancer are among those at greater risk of developing the illness. **Early detection is also key** in the fight against breast cancer. Getting recommended screening mammograms can help to detect breast cancer early. I encourage women and men to speak with their health care provider about breast cancer, and to visit www.Cancer.gov to learn more about symptoms, diagnosis, and treatment; and*

Whereas, We stand with the mothers, daughters, sisters, aunts, and friends who have been affected by breast cancer, and we recognize the ongoing efforts of dedicated advocates, researchers, and health care providers who strive each day to defeat this terrible disease. In memory of the loved ones we have lost and inspired by the resilience of those living with the disease, let us strengthen our resolve to lead our Nation toward a future free from cancer in all its forms; and

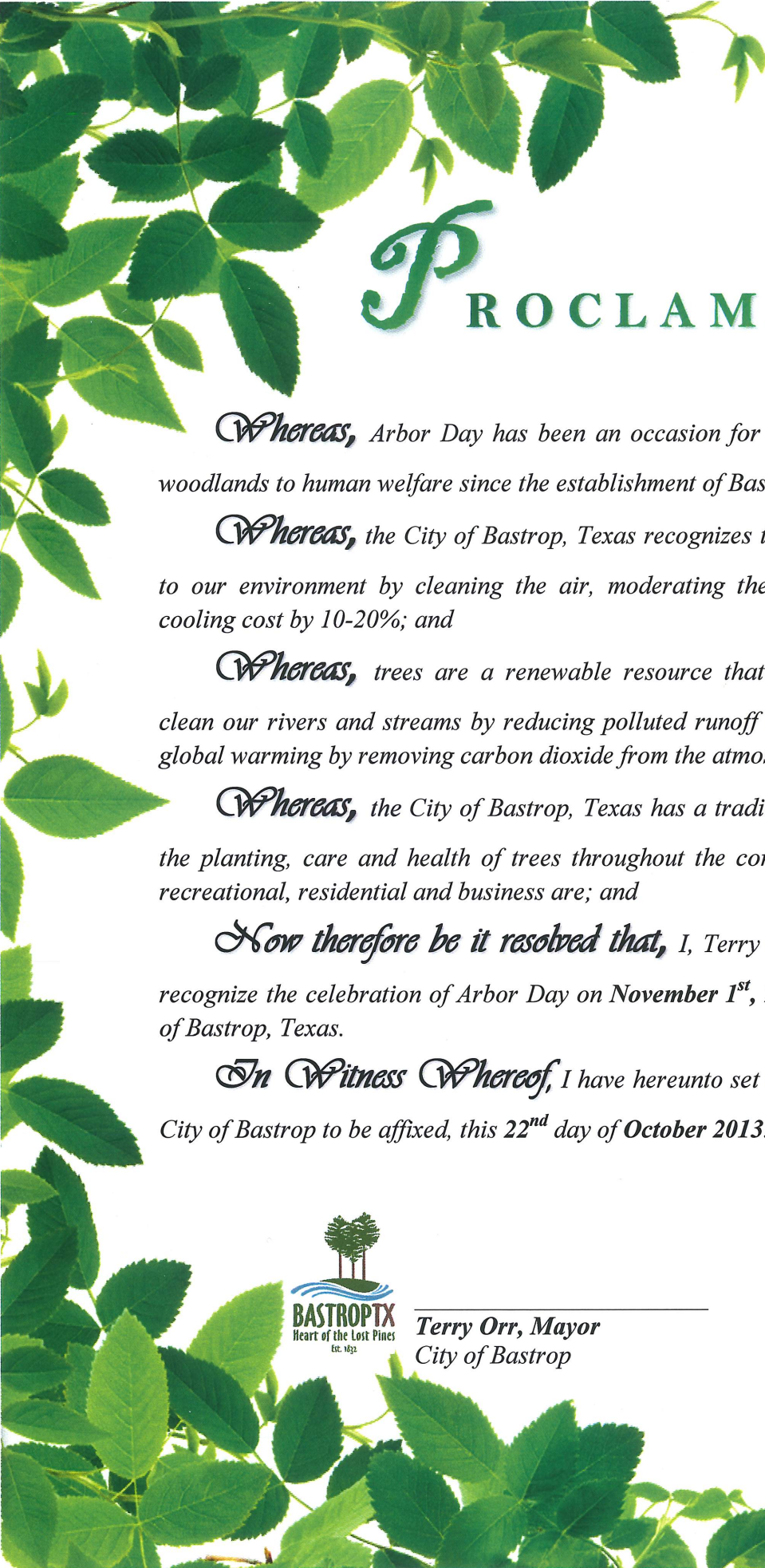
Now therefore be it resolved that, I, Terry Orr, Mayor of the City of Bastrop, proclaim October 2013 as National Breast Cancer Awareness Month. I encourage citizens, private businesses, non-profit organizations and all other interested groups to join and support activities that will increase awareness on how to prevent breast cancer.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bastrop to be affixed, this 17 day of October 2013.



Terry Orr
Terry Orr, Mayor
City of Bastrop



A decorative border of green leaves and branches runs along the left and bottom edges of the page.

*P*ROCLAMATION

Whereas, Arbor Day has been an occasion for recognizing the value of trees and woodlands to human welfare since the establishment of Bastrop, Texas in 1827; and

Whereas, the City of Bastrop, Texas recognizes the value of trees as they contribute to our environment by cleaning the air, moderating the temperature, reduce heating and cooling cost by 10-20%; and

Whereas, trees are a renewable resource that provides a wildlife habitat, helps clean our rivers and streams by reducing polluted runoff into our waterways and helps fight global warming by removing carbon dioxide from the atmosphere; and

Whereas, the City of Bastrop, Texas has a tradition of supporting and encouraging the planting, care and health of trees throughout the community as trees help beautify our recreational, residential and business are; and

Now therefore be it resolved that, I, Terry Orr, Mayor of the City of Bastrop, recognize the celebration of Arbor Day on **November 1st, 2013** at the Bryant Park in the City of Bastrop, Texas.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bastrop to be affixed, this **22nd** day of **October 2013**.



Terry Orr, Mayor
City of Bastrop



CITY OF BASTROP

AGENDA ITEM

A-1**STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: **October 18, 2013**MEETING DATE: **October 22, 2013**

1. Agenda Item: **Approval of the meeting Minutes from the Regular City Council Meetings held on September 24, 2013 and on October 8, 2013.**
2. Party Making Request: **Elizabeth Lopez, City Secretary**
3. Nature of Request: (Brief Overview) Attachments: **Yes X** 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
September 24, 2013 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on Tuesday, **September 24, 2013 at 6:15 p.m.** at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. CALL TO ORDER

Mayor Terry Orr called the meeting to order at 6:15 p.m. A full quorum was present; Council Members Kay Garcia McAnally, Dock Jackson, Ken Kesselus, and Willie De La Rosa. Mayor Pro-Tem Joe Beal was absent.

2. PLEDGE OF ALLEGEANCE AND INVOCATION

David Quinn Executive Director for Bastrop's Economic Development Corporation led the Pledge of Allegiance. Interim Police Chief Matt Wagner introduced Police Chaplain, Jonah Beyer.

3. PRESENTATIONS

City Manager Mike Talbot presented Kay Revetta a "Day off Certificate" for her dedication, welcoming demeanor as the City's Receptionist and as the first point of contact.

Mayor Terry Orr and City Manager Mike Talbot presented a beautiful acrylic award commending Traci Chavez for an "Outstanding Job" as Interim City Secretary from April 22, 2013 through September 2, 2013. During this period, Mrs. Chavez successfully incorporated the responsibilities in addition to those as the Executive Assistant to the City Manager. The City Council expressed their appreciation and she received a standing ovation from everyone in attendance.

4. PROCLAMATIONS

There were no Proclamations.

5. ANNOUNCEMENTS

Mayor Terry Orr invited comments at which time, City Council Member Kay Garcia-McAnally commented on the film scouting for the Toyota commercial that had filmed at the Riverside Carwash on Old Austin Highway here in Bastrop.

Mayor Terry Orr introduced City Manager Mike Talbot, who presented his biweekly informational update report.

CITY MANAGER'S INFORMATIONAL UPDATE REPORT: ITEMS FOR UPDATE, DISCUSSION AND POSSIBLE ACTION:

A. Meetings and Events Attended:

1. Attended the monthly meeting of the Bastrop Economic Development Corporation on September 16, 2012.
2. City Council Utility Committee Meeting of September 17, 2013.

3. Attended the monthly meeting of the Lost Pines Groundwater Conservation District on September 18, 2013.
4. Attended the Convention Center's Open House on September.

B. Update on City Projects and Issues:

1. Water Usage report for the period of August 17, 2013 through August 23, 2013.
2. Review of the Water Loss Report for August 2013
3. Update on the Short and Long Term Water Supply Options.
4. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.
5. A request from Ms. Mariann to rename some Streets in the City of Bastrop.
6. Review of the proposed streets for reconstruction/upgrade.
7. Review of the Street Departments Paving Projects.
8. Update of the City's Parks Board tour of the City for potential sites for a Skate Park.
9. Filling the vacancy of the Chief of Police position.
10. Update of the Special Main Street Board Meeting of September 23, 2013.
11. Update of the Local Government Corporation Meeting of September 23, 2013.

C. Update on City Various City Operations:

1. Convention Center Activities
2. Main Street Program
3. Commercial/Residential Construction Projects in the City
4. YMCA Activities

City Manager Mike Talbot invited input from the City Council regarding matters for possible inclusion on future agenda's related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

City Manager Mike Talbot drew the City Council's attention to the following items:

The Bastrop Main Street Board held a Special Meeting on September 23rd to discuss their views related to various options on the potential sale of "Beer & Wine" in the area zoned Central Business Districts.

Council Member Kay Garcia McAnally agrees to allow the winery into Central Business District.

Mayor Terry Orr stated he looked forward to seeing a written report at the next City Council meeting.

Ethics - City Manager Mike Talbot stated that the Ethics Committee had met and they had requested an amendment to add clarity to the Ethics Ordinance. City Manager Mike Talbot he would be coordinating this with the Mayor as to the place on the upcoming City Council Agenda.

Streets— City Manager Mike Talbot had recently requested the Council's consideration to Ms. Mariann's request to renaming some of our City streets recognizing historical individuals who made contributions to the City of Bastrop. City Manager Mike Talbot suggested that with the City Council's support of the project, we can forward the project request to the Historic Landmark Commission for their review and recommendation to the City Council. Mayor Terry Orr stated he would like a written report before the City Council because there would be a multitude of people for consideration.

Council Member Ken Kesselus can understand a family wanting to name a street to honor one of their own and we will try to work with the family and suggested naming a new street/subdivision

as a better idea. Council Member Ken Kesselus noted this is a very big issue that may cause a negative response within our community.

Mayor Terry Orr concurred that naming a new street was a better idea. At which time, Council Member Dock Jackson stated he was in agreement that this may cause issues within the community; however it may be something worth discussing.

PID - Council Member Ken Kesselus informed the meeting attendees that the PID Board had held a routine public hearing on Monday, September 23, 2013 to allow a public hearing to answer the community's questions. He acknowledged City Manager Mike Talbot's attendance at various meetings and thanked him for his comprehensive response to the community's inquiries.

Mayor Terry Orr stated that he wanted the public to know that the Council Members are very much engaged in the details of a variety of things that are occurring in the Community.

A. CONSENT AGENDA

ALL OF THE FOLLOWING ITEMS ON THE CONSENT AGENDA 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 MEMBER(S) SO REQUEST.

- A.1 Approval of meeting Minutes for the Regular Meeting of September 10, 2013. (E. Lopez)**
- A.2 Approval of the Special Event Permit Application submitted by Anne Beck to host "Book Launch & Bus Tour" on Friday, October 18, 2013, and Saturday, October 19, 2013, in the Public Library, downtown Bastrop, and Fairview Cemetery. (T. Job)**
- A.3 Approval of the Special Event Permit Application submitted by DBA to host "Halloween Fest" on Thursday, October 31, 2013, in downtown Bastrop. (T. Job)**
- A.4 Consideration, discussion & possible action on the SECOND READING of a proposed ordinance of the City Council of the City of Bastrop, amending section 12.04.006 titled schedule v: school zones to amend & correct school zone locations, in article 2.04; "traffic schedules"; chapter 12 "traffic and Vehicles", in the code of ordinances of the city of Bastrop; directing that signs be erected to reflect this change; establishing fines and penalties for violations; providing for enforcement; providing a severability clause; & providing an effective date. (T. Job)**

Mayor Terry Orr pulled item A.3 for further discussion. Council Member Willie DeLaRosa made the motion to approve the Consent Agenda items with the exception of item A.3. Council Member Dock Jackson seconded the motion.

Mayor Terry Orr stated that the Halloween Fest event brings thousands of people to town and in their best interest we ask for a traffic control plan to ensure the safety of our trick-or-treat'ers which is approximately 600-700 children on our residential streets. Mayor Terry Orr asked Interim Police Chief Wagner to see if additional streets needed to be closed to protect the children.

City Manager Mike Talbot was in agreement with the City Councils concern and confirmed that the City anticipated expanding the traffic control plan for the event. He will be meeting with the Interim Police Chief Matt Wagner and the Public Works Director Trey Job and would provide his recommendation at the October 8th, 2013 City Council Meeting.

After a brief discussion with regard to Consent Agenda Item A-3, Council Member Willie DeLaRosa made a motion to approve Agenda Item A-3 under the Consent Agenda.

Seconded by Council Member Kay McAnally and motion carried unanimously. Vote was taken and the Motion passed 4-0.

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

B.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, AMENDING SECTION 1.10.002 "PARK RULES" AND AMENDING "PROHIBITED ACTIVITIES" OF CHAPTER 1 "GENERAL PROVISIONS" AND PROVIDING AN EFFECTIVE DATE. (Trey Job)

After a brief discussion, Mayor Terry Orr closed the Public Hearing.

Council Member Kay Garcia McAnally made a motion to accept the FIRST READING of a proposed Ordinance of the City Council of the City of Bastrop, Amending Section 1.10.002 "PARK RULES" and Amending "PROHIBITED ACTIVITIES" of Chapter 1 "General Provisions" and providing an effective date.

Motion was seconded by Council Member Dock Jackson and the vote carried unanimously. Vote was taken and the Motion Passed 4-0.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF A PETITION FOR A VARIANCE ALLOWING A PRIVATE WELL TO BE DRILLED WITHIN THE CITY LIMITS OF THE CITY OF BASTROP LOCATED AT 1207 CHURCH STREET BASTROP TX. 78602. (Trey Job)

Public Works Director Trey Job addressed the City Council with the request to consider and approve the above agenda item. Mayor Terry stated that it was his understanding that this item had been approved by the Water Board at which time the Public Works Director Trey Job confirmed the approval.

Council Member Ken Kesselus made a motion to approve the petition for a Variance allowing a private well to be drilled within the city limits of The City of Bastrop Located at 1207 Church street Bastrop TX. 78602.

Motion was seconded by Council Member Kay Garcia-McAnally and the vote carried unanimously. Vote was taken and the Motion Passed 4-0.

B.3 CITIZEN COMMENTS

In response to Mayor Terry Orr's request for citizen comments, Sarah Holland of Austin, Texas accepted the invitation to discuss the concern of "Air Quality." Ms. Holland offered tips on how to lower emissions during the Ozone Action Days in efforts to improve the air quality and support an ozone reducing program that would help our local region and economy.

Council Member Ken Kesselus confirmed that one of the things the City of Bastrop is involved in is the "Clean Air Coalition" in their efforts to do volunteer work that benefit our community.

Planning & Zoning Director Melissa McCollum, courteously requested the City's Councils support to pass a Resolution at the City Council Meeting set for October 22, 2013.

Mayor Terry Orr elicited further discussion at which time City Council Member Ken Kesselus noted that the City of Bastrop reflected a bad ozone layer primarily due to automobiles. Mayor Terry Orr thanked everyone for the comments.

C. OLD BUSINESS

C.1 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON APPROVAL OF THE SECOND READING OF AN ORDINANCE OF THE CITY OF BASTROP, TX, ADOPTING A BUDGET & APPROPRIATING RESOURCES FOR FY 2013-2014; BEGINNING OCTOBER 1, 2013 ENDING SEPTEMBER 30, 2014; IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; & PROVIDING FOR AN EFFECTIVE DATE. (Mike Talbot)

Upon a review of the above agenda item, City Manager Mike Talbot requested the City Council's consideration and approval on this agenda item.

Mayor Terry Orr invited citizen's comments and with no response he proceeded to

extend his appreciation on behalf of the City Council to Chief Finance Officer Karla Stovall and all the Department Directors for their efforts with the budget preparation.

At 6:45 p.m., Council Member Kay Garcia-McAnally stepped out of the City Council Meeting and returned at 7:00 p.m.

Council Members held a brief discussion at which time Council Member Willie DeLaRosa motioned to approve the Second Reading of an Ordinance of the City of Bastrop, Texas, adopting a budget and appropriating resources for Fiscal Year 2013-2014; beginning October 1, 2013 ending September 30, 2014; in accordance with existing statutory requirements; repealing all conflicting ordinances; containing a severability clause; and providing for an effective date

Motion was seconded by Council Member Dock Jackson and the vote carried unanimously. Vote was taken and the Motion Passed 3-0

C.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE ANNUAL BUDGET FOR THE FISCAL YEAR 2013-2014; BEGINNING OCTOBER 1, 2013 ENDING SEPTEMBER 30, 2014. (Mike Talbot)

City Manager Mike Talbot gave an insightful review of the agenda item which ensued in a brief discussion between the City Council Members.

Council Member Dock Jackson made a motion to approve ratifying the property tax increase reflected in the Annual Budget for the Fiscal Year 2013-2014; Beginning October 1, 2013 and ending on September 30, 2014.

Motion was seconded by Council Member Willie DeLaRosa and the vote carried unanimously. Vote was taken and the Motion Passed 4-0

C.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF THE SECOND READING OF AN ORDINANCE FIXING THE TAX RATE AND LEVY FOR THE CITY OF BASTROP, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING

SEPTEMBER 30, 2014, AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPLE AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (Mike Talbot)

Upon City Manager Mike Talbot's confirmation that the tax rate had remained the same as last years, the City Council Members held a brief discussion and returned with the following motion:

"I Kay Garcia-McAnally move that the property tax rate be increased by the adoption of a tax rate of .584, which is effectively a .48 percent increase in the tax rate."

Motion was seconded by Council Member Willie DeLaRosa and the vote carried unanimously. Vote was taken and the Motion Passed 4-0.

D. NEW BUSINESS

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDING OF AUGUST 31, 2013. (K. Stovall)

Chief Financial Officer Karla Stovall addressed the council with the presentation of the above captioned item and she requested the City Council's consideration and approval.

Mayor Terry Orr stated that the City was in pretty good shape and we have a good economic environment.

Council Member Willie DeLaRosa made a motion to accept the unaudited Monthly Financial Reports for the period ending of August 31, 2013.

Seconded by Council Member Kay Garcia-McAnally and motion passed unanimously. Vote was taken and the Motion passed 4-0.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF A REQUEST TO AMEND THE BASTROP ECONOMIC DEVELOPMENT CORPORATION'S FY 2013 BUDGET IN THE AMOUNT OF \$50,000. (D. Quinn)

Upon completion of the First reading of the above caption by Mayor Terry Orr, City Counselor JC Brown requested that the agenda caption be read twice. Mayor Terry Orr proceeded with the second reading of agenda item D.2.

BEDC Director Dave Quinn gave a brief overview of the item. The JAMCO project has incurred additional engineering expenses that were not originally budgeted for. Council Member Willie DeLaRosa made a motion to approve the request to amend the Bastrop Economic Development Corporation's Fiscal Year 2013 budget in the amount of \$50,000.

Seconded by Council Member Kay Garcia-McAnally, Vote was taken and the Motion passed unanimously 4-0.

D.3 DISCUSSION, CONSIDERATION & POSSIBLE ACTION REGARDING THE FIRST READING APPROVING AN ORDINANCE AMENDING & CLARIFYING ARTICLE 4.06, SPECIAL EVENT PERMITS, PUBLIC GATHERINGS & PARADES OF

CHAPTER 5, BUSINESS REGULATIONS; PROVIDING A SEVERABILITY CLAUSE A SAVINGS CLAUSE, AND AN EFFECTIVE DATE. (M. Talbot)

Mayor Terry Orr invited public comments at which time Debbie Moore expressed her request to allow alcohol in the special event areas during the upcoming Veterans Day Event. She stated she felt it would be a step back if the City did not allow this.

City Manager Mike Talbot informed Ms. Debbie Moore that each business owner within the special event area would need submit a request permit for approval to do so.

Council Member Dock Jackson expressed his support for the above agenda item and followed with a motion to accept the First Reading of a proposed ordinance of the City Council of the City of Bastrop, Approving an Ordinance amending and clarifying Article 4.06, Special Event Permits, Public Gatherings and Parades of Chapter 5, Business Regulations; Providing a Severability Clause A Savings Clause, and an Effective Date.

Seconded by Council Member Willie DeLaRosa, Vote was taken and the Motion passed unanimously 4-0.

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) and Section 551.071(2)–Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to “Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas,” 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.

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.

1. Section 551.071(1) (A) and Section 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to “Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas,” 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.

At 7:18 pm, Mayor Orr convened the Bastrop City Council into regular session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein.

City Manager, Mike Talbot, discussed and provided an overview of his and the Council's views and stated that the City needs to proceed with its evaluation of the various options that the City has identified, to date, for future water supply to the City.

City Manager Mike Talbot recommended that he and the City's team continue its work to identify and pursue all potential groundwater options for such future water supply. The City Manager recommended that all providers who have submitted proposals be required by the City to sign the same MOU as has been done by the XS Ranch group, in order for the city to continue its negotiations for a water supply with the various entities. Mr. Talbot confirmed that the City's Legal Counsel, Ms. Brown, has prepared a document that will be the City's "standard MOU," and that it includes text that will protect the City, so that at any point in the negotiations the work and/or partnership does not seem viable, the MOU and obligations contained in it related to permitting, may be ended.

Motion by Council Member Willie De La Rosa to "Authorize the City Manager to enter into a Memorandum of Understanding with XS Ranch, to proceed with the process of filing a joint application with XS Ranch to the Lost Pines Groundwater District for water production, under a nonexclusive, conditional permitting process, and to require any other entity, person or party who desires to enter into negotiations with the City as a beneficial end-user of a groundwater supply, to also enter into a substantially similar agreement, before that entity or person files for any type of production permit request, with the LPGWD, that relates to and/or involves the City of Bastrop. Motion was seconded by Council Member Kay McAnally.

The Mayor invited discussion, several Council Members agreed with Mr. Talbot's input.

Vote was taken and the Motion passed unanimously 4-0.

F. ADJOURN

At 9:43 pm, Council Member Willie DeLaRosa made the motion to adjourn the meeting. Motion was seconded by Council Member Kay Garcia-McAnally and motion was carried unanimously.

Mayor Terry Orr gleefully noted that the meeting had lasted only 1 hour and 3 minutes.

APPROVED:

ATTEST:

Terry Orr, Mayor

Elizabeth Minerva Lopez, City Secretary

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
October 8, 2013 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on Tuesday, **October 8, 2013 at 6:15 p.m.** at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. CALL TO ORDER

Mayor Terry Orr called the meeting to order at 6:15 p.m. A full quorum was present: Mayor Pro-Tem Joe Beal and Council Members Kay Garcia McAnally, Ken Kesselus and Willie De La Rosa.

On October 8, 2013 at 4:26 pm, Council Member Dock Jackson advised City Manager Mike Talbot via email that he was not going to be in attendance at the City Council Meeting due to his participation in the Texas Municipal League Conference in Austin on October 8–11, 2013.

2. PLEDGE OF ALLEGEANCE AND INVOCATION

Council Member Ken Kesselus led the Pledge of Allegiance. Interim Police Chief Matt Wagner introduced Pastor Phil Woods from the First Assembly of God Church who led the invocation.

3. PRESENTATIONS

A. Character Education Presentation by Bastrop Student – Responsibility

Mayor Terry Orr welcomed Character Speaker Seth Mouser, a third-grade student at Lost Pines Elementary School; he graciously thanked the City Council for the opportunity and gave an entertaining presentation on the meaning of “Responsibility.” He stated he looked forward to the responsibility of being a productive citizen but was happy he was only 8 years old. Seth acknowledged the City’s Council’s responsibility in their roles as elected Officials and the responsibilities entrusted to them by the Community.

Seth Mouser was accompanied by his parents Carl & Carrie Mouser and Sister Madison. He plays football and is in the PAL’s program, and he enjoys being with his family and his dog.

4. PROCLAMATIONS

There were no Proclamations.

5. ANNOUNCEMENTS

Mayor Terry Orr acknowledged Council Member’s absence and welcomed Council Member Kay Garcia-McAnally from her recent trip and Mayor Pro-Tem Joe Beal.

Council Member Ken Kesselus commented on Seth Moser’s Character presentation on “Respect” by Seth Moser and stated “we all have a responsibility to environment and suggested that the Planning and Zoning Director Melissa McCollum create a resolution to be present for consideration at the upcoming meeting in October, 2013; because we need to plan for the future.

Council Member Ken Kesselus stated it was time to honor Mayor Terry Orr who had recently been featured in a full page article at the University of Texas in Austin. He thanked him for being a Longhorn. Mayor Terry Orr graciously thanked him and said "I appreciate that."

There were no additional announcements; therefore, Mayor Terry Orr introduced City Manager Mike Talbot to present his bi-weekly update.

CITY MANAGER'S INFORMATIONAL REPORT FOR SEPTEMBER 24, 2013: Items for update, discussion and possible action:

A. Meetings and Events Attended:

1. Attended the monthly meeting of the Zoning Board of Adjustment on October 2, 2013.
2. Attended the monthly meeting of the Parks Board on October 3, 2013 Review

B. Update on City Projects and Issues:

1. Water Usage report for the period of August 24, 2013 through October 3, 2013.
2. Traffic Plan for the Annual Halloween Event.
3. Update on the Short and Long Term Water Supply Options.
4. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.
5. Update on the AMI Project.
6. City Council Utility Meeting.
7. Update on the Proposed Improvements for the Bastrop Business Park.
8. Update Wineries & Breweries in the Central Business District
9. Filling the vacancy of the Chief of Police position.
10. Review of current vacancies on City Board.
11. Update on the upcoming Issuances of Certificate of Obligations.
12. Update on Proposed Changes to the City of Bastrop's Personnel Policies.
13. Update on Golf Voucher Program
14. Update on the October 3, 2013 Parks Board Meeting

C. Update on City Various City Operations:

1. Convention Center Activities
2. Main Street Program
3. Commercial/Residential Construction Projects in the City
4. YMCA Activities

Inviting input from the City Council related to issues for possible inclusion on future agenda's on related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

City Manager Mike Talbot pointed out the following items on his City Manager's report:

- B-2 Updated Traffic Plan for Halloween Event** - City Manager Talbot provided the City Council Members with an updated traffic plan for the upcoming Halloween Event. Mayor Terry Orr stated he was very pleased with the extension of streets in the updated traffic plan for the upcoming Halloween event.
- B-6 City Council Utility Meeting** - City Manager offered consideration and direction from the City Council with regard to holding the next Utility Meeting/Workshop on the 3rd week of November 2013.

Council Member Ken Kesselus stated he like the reporting process and likes City Manager Mike Talbot's idea.

Mayor Terry Orr requested that the Council Members review the item and get back to City Manager Mike Talbot.

- B-8 **Update Wineries & Breweries in the Central Business District** – City Manager Mike Talbot drew the City Councils attention to the above item, he gave a brief update and noted that we have not yet received all the responses from the cities we have contacted; only a few of those have a downtown brewery/winery program. Our Goal is to maintain the integrity of Bastrop's Main Street Program. City Manager Mike Talbot noted he would provide additional information at the next City Council Meeting scheduled for Tuesday, October 22, 2013.

A. **CONSENT AGENDA**

All of the following items on the Consent Agenda 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 Member(s) so request.

- A.1 Approval of meeting MINUTES for Special Utility Meeting/Workshop on September 17, 2013. (*E. 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, **Amending** Section 1.10.002 "**Park Rules**" and Amending "PROHIBITED ACTIVITIES" of Chapter 1 "General Provisions" and providing an effective date. (*T. Job*)
- A.3 Discussion, Consideration and Possible Action Regarding the **SECOND READING** Approving "an Ordinance amending and clarifying article 4.06, **Special Events Permits**, Public Gatherings and Parades of Chapter 4, Business Regulations; Providing a severability clause, a savings clause, and an effective date." (*M. Talbot*)
- A.4 Approval of Bastrop Marketing Corporation's request for reimbursement of expenses. (*K. Stovall*)
- A.5 Consideration, discussion and possible action on **SECOND READING** for approval of a request to **amend** the Bastrop **Economic Development Corporation's Fiscal Year 2013 budget** in the amount of \$50,000. (*D. Quinn*)
- A.6 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 Lots 165 & 166 to combine two residential lots in Lake Bastrop Pines being approximately 0.484 acres within the 1 mile Extra Territorial Jurisdiction (ETJ) of the City of Bastrop, Texas. (*M. McCollum*)
- A.7 Approval of the Special Event Permit Application submitted by the Downtown Business Alliance to host "**Veteran's Day Car Show**" on **Friday, November 8, 2013** in Fisherman's Park (movie) and on **Saturday, November 09, 2013**, in Downtown Bastrop. (*T. Job*)

Council Member Willie DeLaRosa made a motion to approve all items listed under the Consent Agenda. Seconded by Council Member Kay Garcia McAnally and motion carried unanimously. Vote was taken and motion passed 4-0.

B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION: (M. McCollum)

B.1 CONDUCT A PUBLIC HEARING TO RECEIVE CITIZENS INPUT ON OUR REQUEST FOR A CHANGE IN ZONING/RE-ZONING FOR THE FOLLOWING ADJACENT TRACTS OF LAND:

- 1) **C2**, COMMERCIAL HEAVY TO **C1**, COMMERCIAL LIGHT FOR +/- 0.1299 ACRES WITHIN BUILDING BLOCK 118 EAST OF WATER STREET; AND
- 2) **C1**, COMMERCIAL LIGHT FOR +/-0.2131 ACRES BEING A PORTION OF VACATED NEWTON STREET SOUTH OF BUILDING BLOCK 118 AND NORTH OF BUILDING BLOCK 119; AND
- 3) **SF7**, SINGLE FAMILY RESIDENTIAL TO **C1**, COMMERCIAL LIGHT FOR +/-1.2757 ACRES WITHIN BUILDING BLOCK 119 EAST OF WATER STREET.

THESE PROPERTIES ARE LOCATED SOUTH OF STATE HIGHWAY 71 EAST, WEST OF UNOPENED PITT STREET AND NORTH OF JASPER WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS.

At 7:37 p.m., Mayor Terry Orr opened the Public Hearing.

City Manager Mike Talbot introduced the Planning and Zoning Director, Melissa McCollum, who recently returned from maternity leave. Mayor Terry Orr welcomed her back and congratulated her on the birth of her new baby.

Planning and Zoning Director Melissa McCollum requested the City Council's consideration and approval of the zoning district classification. She advised the Council that Members of the Planning and Zoning Commission conducted a Public Hearing on August 29, 2013 where they voted unanimously (8-0) to recommend the approval of a zoning district classification of the adjacent tracts of land referenced in the above agenda item.

There was no response to Mayor Terry Orr's invitation to public comment; therefore he closed the Public Hearing at 7:44 pm.

B.2 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A ZONING/RE-ZONING DISTRICT CHANGE FOR THE FOLLOWING ADJACENT TRACTS OF LAND: (M. McCollum)

- C2**, COMMERCIAL HEAVY TO **C1**, COMMERCIAL LIGHT FOR +/- 0.1299 ACRES WITHIN BUILDING BLOCK 118 EAST OF WATER STREET; AND
- C1**, COMMERCIAL LIGHT FOR +/-0.2131 ACRES BEING A PORTION OF VACATED NEWTON STREET SOUTH OF BUILDING BLOCK 118 AND NORTH OF BUILDING BLOCK 119; AND
- SF7**, SINGLE FAMILY RESIDENTIAL TO **C1**, COMMERCIAL LIGHT FOR +/-1.2757 ACRES WITHIN BUILDING BLOCK 119 EAST OF WATER STREET IN THE CITY LIMITS OF BASTROP, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

Council Member Ken Kesselus made a motion to accept the FIRST READING of a proposed Ordinance of the City Council of the City of Bastrop, Texas granting a Zoning/Re-Zoning District Change for the following Adjacent Tracts of Land and to have the SECOND READING on the consent agenda at the next City Council Meeting scheduled for October 22, 2013.

Seconded by Council Member Willie DeLaRosa and motion carried unanimously. Vote was taken and Motion passed 4-0.

B.3 CITIZEN COMMENTS

There were no Citizen Comments.

C. OLD BUSINESS - NONE**D. NEW BUSINESS****D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION FOR SELECTING A FINANCIAL INSTITUTION TO SERVE AS THE CITY'S PRIMARY BANKING SERVICES DEPOSITORY FOR THE DEPOSIT OF CERTAIN CITY FUNDS AND PROVISION OF BANKING FUNCTIONS FOR DESIGNATED FUNDS OF THE CITY. (K. Stovall)**

On October 5th, 2013 at 2:13 pm, Council Member Ken Kesselus requested via e-mail on his recusal in the formal meeting minutes. The e-mail notification was received 3 days prior to the scheduled City Council Meeting of October 8th, 2013 and it noted the following:

"I will recuse myself from the item on Tuesday's October 8th, 2013 Agenda dealing with the acceptance of a City fiduciary repository. My reason for doing so is that I own some stock in the First National Bank, one of the applications. I do not own a great deal of stock, and certainly not enough to meet the statutory requirement, but I will feel better if I do not participate in the discussion or decision."

Council Member Ken Kesselus excused himself and left the City Council Meeting and returned at 6:56 p.m.

City Manager Mike Talbot introduced Chief Financial Officer Karla Stovall who addressed the City Council with regard to the above agenda item.

CFO, Karla Stovall introduced Linda Paterson with Paterson and Associates for her evaluation and recommendation. Ms. Patterson has recommended First National Bank due to their service levels and potential earning capability. Additionally, First National had offered "Remote Scanners" for our cashier's ad not additional cost.

City Manager Mike Talbot thanked Ms. Linda Paterson for her thorough job in providing the Analysis of Bank Depository Service Proposal – *"it was a wonderful RFQ."*

Mayor Terry Orr requested a motion to accept, which followed with Council Member Kay Garcia-McAnally's motion to accept First National Bank as the financial institution to serve as the City's primary banking services depository for the deposit of certain City funds and provision of banking functions for designated funds of the City. Seconded by Council Member Willie DeLaRosa and motion passed unanimously. Vote was taken and Motion passed 4-0.

D.2 THE CALENDAR DEVELOPED AND APPROVED BY CITY COUNCIL FOR THE HOTEL MOTEL FUNDING DISTRIBUTION IDENTIFIES OCTOBER 8, 2013 FOR CITY COUNCIL TO APPROVE THE FINAL FUNDING LEVELS FOR ORGANIZATIONS. TOTAL AMOUNT TO BE DISTRIBUTED IS \$283,500. YEAR-END SUMMARY REPORTS PROVIDED AT MEETING. (K. Stovall)

Chief Financial Officer Karla Stovall reviewed the City of Bastrop Fiscal Year 2014 Hot Funding Report that reflected the funding levels for each organization. City Council Members held a brief discussion with regard to organizations that had not yet submitted their year-end summary report. After additional consideration they were in agreement to allow the organizations to submit their summaries and have the final year-end report at the next meeting in November 2013.

Council Member Ken Kesselus made a motion to approve the final funding levels for the organizations. Total amount to be distributed is \$283,500. A full year-end summary report which is to be provided at the next City Council Meeting in November 2013. Seconded by Council Member Willie DeLaRosa and motion passed unanimously. Vote was taken and Motion passed 4-0.

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) and SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **“Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas,”** 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.

At 9:08 pm, Mayor Orr reconvened the Bastrop City Council into regular session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein.

There were no responses to Mayor Terry Orr’s invitation for comments; therefore, no action was taken.

A. ADJOURN

At 9:10 pm, Council Member Kay Garcia McAnally made the motion to adjourn the meeting. Seconded by Council Member Willie DeLaRosa and motion was carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Elizabeth Minerva Lopez, City Secretary

CITY OF BASTROP

AGENDA ITEM **A-2****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: **October 16, 2013**MEETING DATE: **October 22, 2013**

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 granting a district change in zoning/re-zoning for the following tracts of land:
 - 1) C2, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street; and
 - 2) C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
 - 3) SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street in the City limits of Bastrop, Texas; and establishing an effective date.
2. Party Making Request: **City of Bastrop**
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:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) _____			
8. Staff Recommendation: Staff recommends approval of the zoning district classification of C-1, Commercial-1 Light for the +/-0.1299 acres located within Building Block 118, +/- 0.2131 acres of unopened Newton Street situated between Building Block 118 and 119 and +/-1.2757 acres within Building Block 119.
9. Advisory Board Recommendation: XX Recommended Approval ____ Denial ____ None
The Planning and Zoning Commission conducted a Public Hearing August 29, 2013 and voted unanimously 8-0 to recommend approval of a zoning district classification of C-1, Commercial Light for the +/-0.1299 acres located within Building Block 118, +/- 0.2131 acres of unopened Newton Street situated between Building Block 118 and 119 and +/-1.2757 acres within Building Block 119.
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

ORDINANCE No. _____**AN ORDINANCE GRANTING A ZONING/RE-ZONING DISTRICT CHANGE FOR THE FOLLOWING ADJACENT TRACTS OF LAND:**

- 1. C2, COMMERCIAL HEAVY TO C1, COMMERCIAL LIGHT FOR +/- 0.1299 ACRES WITHIN BUILDING BLOCK 118 EAST OF WATER STREET; AND**
- 2. C1, COMMERCIAL LIGHT FOR +/-0.2131 ACRES BEING A PORTION OF VACATED NEWTON STREET SOUTH OF BUILDING BLOCK 118 AND NORTH OF BUILDING BLOCK 119; AND**
- 3. SF7, SINGLE FAMILY RESIDENTIAL TO C1, COMMERCIAL LIGHT FOR +/-1.2757 ACRES WITHIN BUILDING BLOCK 119 EAST OF WATER STREET IN THE CITY LIMITS OF BASTROP, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Bastrop has determined that it is in the best interest of the public to change the existing zoning designation of

1. C2, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street
2. C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
3. SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street.

more particularly shown and described on a location map attached hereto as Exhibit "A" (the "Property"), and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the rezoning was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the rezoning request on August 29, 2013; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended a zoning designation of the properties to C1, Commercial Light; and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the zoning request was given as required by the Ordinance, and the City Council of the City of Bastrop held a public hearing on the rezoning on October 8, 2013 to consider the City's intent to establish a

zoning designation of C1, Commercial Light and to consider the Commission's recommendation to zone the properties to C1, Commercial Light; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the City of Bastrop Planning and Development Department, and all other information presented, City Council finds that it is in the public interest to approve the C1, Commercial Light zone of the Properties,

- C2, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street
- C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
- SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street.

to a new designation of C1, Commercial Light.

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

Part 1: The Property, being approximately +/-1.6187 acres located South of State Highway 71 East, West of unopened Pitt Street and North of Jasper Street within the City limits of Bastrop, Texas as more particularly shown and described on attached Exhibit "A", shall be and is hereby rezoned from its prior designations

- C2, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street
- C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
- SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street.

to a new zoning designation of C1, Commercial Light.

Part 2: This ordinance shall take effect upon passage and in accordance with the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 8th day of October, 2013.

READ and APPROVED on the Second Reading on the 22nd day of October, 2013.

APPROVED:

ATTEST:

Terry Orr
Mayor

Elizabeth Minerva Lopez
City Secretary

10/22/13

10/22/13

CITY OF BASTROP

AGENDA ITEM **A-3**STANDARDIZED AGENDA RECOMMENDATION FORM

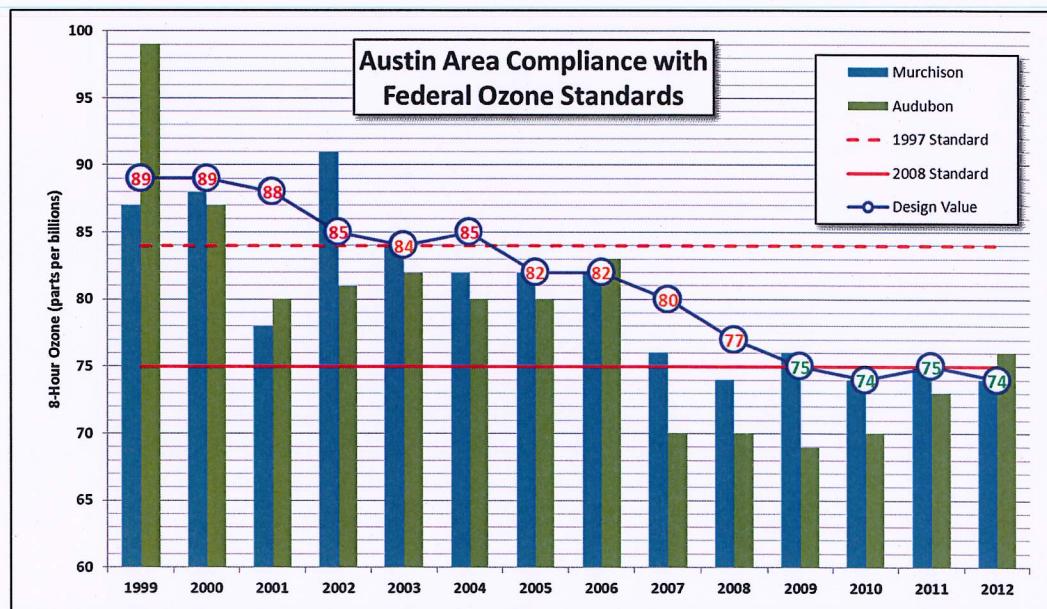
CITY COUNCIL

DATE SUBMITTED: October 16, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: **Consideration, discussion and possible action on an adoption of a Resolution to participate in the Regional Ozone Advance Program.**
2. Party Making Request: **Melissa McCollum, Planning and Development**
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) _____
8. Staff Recommendation:

The City of Bastrop is a member of the Central Texas Clean Air Collation (CAC) housed in CAPCOG. With measures in place the region's air quality has progressively improved, has stayed in attainment of National Ambient Air Quality Standards, and has proven that a region can take steps to voluntarily manage such an important issue as the air we breathe. The following chart produced by CAPCOG depicts how our region has stayed ahead of a non-attainment designation.



With the expiration of the Early Action Compact comes the opportunity for the region to adopt a new plan, the Ozone Advance Plan, to demonstrate to the Texas Commission on Environmental Quality and the United States Environmental Protection Agency our region's commitment to improved air quality and our drive to stay in attainment of the National Ambient Air Quality Standards. According to the EPA, the three main goals of the program are to:

1. Help attainment areas reduce emissions in order to ensure continued health protection;
2. Better position areas to remain in attainment; and
3. Effectively direct available resources toward actions to address ozone and fine particulate problems quickly.

In order to partner with the Clean Air Coalition and the other jurisdictions in the region City of Bastrop will need to adopt a resolution authorizing the City of Bastrop to participate in the regional Ozone Advance program (see attached resolution) and approve a list of ozone-reducing measures to implement by City of Bastrop (see attached list).

We recommend that the City of Bastrop adopt a resolution authorizing City of Bastrop to participate in the regional Ozone Advance Program and that the Council approve the attached list of ozone-reducing measures to be implemented by City of Bastrop.

9. Advisory Board: _____ Recommended Approved _____ Disapproved XXX None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

RESOLUTION No. ____**CITY OF BASTROP TEXAS TO PARTICIPATE IN THE REGIONAL
OZONE ADVANCE PROGRAM**

WHEREAS, the local governments within the Austin-Round Rock Metropolitan Statistical Area (MSA), which consists of Bastrop, Caldwell, Hays, Travis, and Williamson Counties, recognize that they are near-violation of the 8-hour National Ambient Air Quality Standards (NAAQS) for ozone; and

WHEREAS, the Ozone Advance Program is a voluntary local approach to ozone attainment whose purpose is to encourage early emission reduction that will help keep the area in attainment of the ozone NAAQS; and

WHEREAS, an Action Plan under the Ozone Advance Program would achieve air quality and public health benefits by implementing early voluntary pollution control measures for ozone tailored to local conditions before air quality standard violations occur or before Federal measures are mandated; and

WHEREAS, the City of Bastrop is a member of the Central Texas Clean Air Coalition (CAC) of the Capital Area of Governments; and

WHEREAS, the CAC has signed up to participate in the Ozone Advance Program and has committed to submit an Action Plan by December 31, 2013; and

WHEREAS, the CAC has requested that its members consider committing to emission reduction measures as part of this Action Plan by October 31, 2013; and

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

1. City of Bastrop commits to continue to implement air quality measures as part of the region's Ozone Advance Program Action Plan.
2. Direct staff to research and work towards the implement the following measures:
 - a. Low Emission Vehicles- City of Bastrop will continue to replace vehicles with low emission vehicles and will explore/apply for grants that will possibly aid in faster replacement.

- b. Vapor Recovery on Fuel Pumps - City of Bastrop will install and replace vapor recovery fuel pumps on all City owned pumps that are currently housed at the Public Works facility.
- c. Enforcement of Heavy-Duty Idling Restrictions – City of Bastrop will look at enforcement of TCEQ’ s restrictions on vehicles with Gross Vehicle Weight Rating (GVWR) of 14000 pounds or more.
- d. Commute Solutions Program – City of Bastrop will work with Bastrop County on implementing/providing opportunities for City and County residents.

AND SO IT IS ORDERED.

PASSED AND ADOPTED ON THIS 22nd DAY OF OCTOBER 2013.

APPROVED:

ATTEST:

Terry Orr
Mayor

Elizabeth Minerva Lopez
City Secretary

CITY OF BASTROP

AGENDA ITEM **A-4**STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 16, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: Consideration, discussion and possible action on adoption of a Resolution approving **Mr. Roderick Emanuel's** request to continue serving as a member of the Bastrop Central Appraisal District Board Directors.
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) _____			
8. Staff Recommendation:
9. Advisory Board: _____ Recommended Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

**BASTROP CENTRAL APPRAISAL DISTRICT**

P.O. DRAWER 578 • BASTROP, TEXAS 78602-0578
PHONE (512) 303-1930 • FAX (512) 303-4805

BOARD OF DIRECTORS

ELAINE SEIDEL
Chairman

BECKY BUNTE
Secretary

BRYAN BRACEWELL

RODERICK EMANUEL

DAVID REDD

LINDA HARMON

Chief Appraiser

MARK BOEHNKE
RPA/RTA

September 25, 2013

Mr. Mike Talbot, City Manager
City of Bastrop
P. O. Box 427
Bastrop TX 78602

Re: Election of 2014 - 2015 Board of Directors
Bastrop Central Appraisal District

Dear Mr. Talbot:

As we are approaching the last quarter of 2013, it is time to elect a Board of Directors for Bastrop Central Appraisal District for the years 2014 - 2015. Enclosed is a list indicating the number of votes calculated for each voting unit. The **City of Bastrop** has **214** votes out of a total of 5000 votes.

Also, enclosed is a calendar outlining the timetable of the steps that should be taken to elect a Board as well as a sample resolution for your nomination(s). To comply with the code, please make every effort to furnish the resolutions to me on or about October 15th so that we may meet the remaining deadlines.

If you have any questions, please give me a call at 512-303-1930, Ext. 17.

Sincerely,

A handwritten signature in black ink that reads "Mark Boehnke".

Mark Boehnke
Chief Appraiser

Enclosures

cc: ✓ The Honorable Terry Orr

Certified Mail# 7011 0470 0000 5933 3760

**CALCULATIONS for VOTING ENTITLEMENT
BASTROP CENTRAL APPRAISAL DISTRICT
2014-2015 BOARD OF DIRECTORS**

[illegible]

BOARD OF DIRECTORS ELECTION CALENDAR OF EVENTS

Before October 1, 2013

Chief Appraiser must notify each voting taxing unit of the number of votes it may cast.

Before October 15, 2013

The presiding officer of the unit submits the names of the nominees by written resolution to the Chief Appraiser. Include the addresses of the nominees.

Before October 30, 2013

The Chief Appraiser must prepare a ballot listing the nominees alphabetically by each candidate's last name. The Chief Appraiser must deliver a copy of this ballot to the presiding officer of the governing body of each voting unit.

Before December 15, 2013

Each voting unit must cast its vote by written resolution and submit it to the Chief Appraiser. The unit may cast all its votes for one candidate or may distribute the votes among any number of candidates.

Before December 31, 2013

The Chief Appraiser must count the votes and declare the candidates who received the largest vote totals. The Chief Appraiser notifies all taxing units and all the candidates of the outcome.

RESOLUTION No. ____

WHEREAS, under the Texas Property Tax Code, Section 6.03, election of the Bastrop County Appraisal District's Board of Directors is the responsibility of the governing bodies of the taxing entities of Bastrop County.

The City of Bastrop does hereby **RESOLVE** to approve the following individual request to continue serving as a Member of the Bastrop Central Appraisal District Board of Directors.

Candidate: **Mr. Roderick Emanuel**

PASSED AND APPROVED the 22nd day of October 2013.

Terry Orr, Mayor

Attest:

Elizabeth Minerva Lopez, City Secretary

CITY OF BASTROP

AGENDA ITEM B-1

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 15, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: **CONDUCT A PUBLIC HEARING** to receive citizens input on an amendment to Chapter 14 Exhibit “A” of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards to add residential design standards in single family residential districts.
2. Party Making Request: **Melissa McCollum, Director of Planning and Development**
3. Nature of Request: (Brief Overview) Attachments: Yes XX 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) _____
8. Staff Recommendation: **Staff recommends approval of the amendment to Chapter 14 Exhibit “A” of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards to add residential design standards in single family residential districts.**
9. Advisory Board Recommendation: XX Recommended Approval ___ Denial ___ None
The Planning and Zoning Commission:

 - Conducted Workshops at their regular meetings April 25th, May 30th and June 27, 2013 to amend Section 37.2 Construction Standards to add residential design standards in single family residential districts.
 - Conducted a Public Hearing at their regular meeting August 29, 2013 and voted unanimously 8-0 to recommend approval of the amendment to Section 37.2 Construction Standards to add residential design standards in single family residential districts.
10. Manager’s Recommendation: _____Approved _____Disapproved _____None
11. Action Taken:

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

October 22, 2013

Public Notice Description:

Public Hearing, discussion and possible action by City Council to amend Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 37.2, Construction Standards to add residential design standards in residential areas.

Background:

A complaint/request was made for the City to address the conformity/sameness of homes being built in a subdivision/in-fill on several lots in the City. The issue was lodged that all the homes constructed looked identical/same. Staff worked with the Planning and Zoning Commission to discuss ideas regarding potential "design standards" for homes being constructed within Single Family Zoning Districts. Staff provided additional information at the meetings regarding possible options/solutions/ideas.

The Planning and Zoning Commission conducted Workshops at their regular meetings April 25th, May 30th and June 27, 2013 to discuss possible amendments to Section 37.2 Construction Standards to add residential design standards in residential areas.

If City Council approves the amendment, Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 37.2, shall be amended so that it shall hereafter read as follows:

37.2 CONSTRUCTION STANDARDS:

A. Construction standards: The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the City.

1. Residential Zoning Districts:

a. Concrete, excluding 'siding' as defined above, or metal exterior construction is not permitted on any structural exterior wall in any residential use zoning district.

b. Exemptions:

(1) An accessory building two hundred and forty (240) square feet or less are excluded from this prohibition.

(2) On temporary construction buildings with a permit issued by the City Building Official.

c. Residential Design Standards:

(1) Similarity Restrictions

Except as provided in subsection (i) below, no new dwelling that is similar in appearance to a neighboring dwelling is permitted. The standards to determine such similarity are set forth below and shown by example in the illustrations contained in this section.

(i). Exemptions

The following shall be exempt from these provisions:

- aa. Dwellings for which a Building Permit was approved before May 31, 2013
- bb. Dwellings within a Planned Development, where a unified plan containing similarity of architectural form and style among dwellings is integral to such a plan.

ii. Differences in Appearance

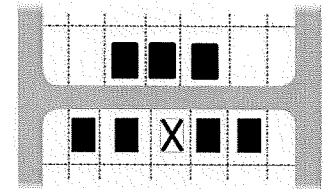
- aa. Differences in bulk and massing shall be reviewed for the lots on either side of the proposed dwelling on the same side of the street, as shown in the following illustrations.
- bb. Where lots are interrupted by an intervening street, public parkland, or similar feature of at least 50 feet in width, no review shall be necessary.
- ccc. The proposed building shall be considered different from any vacant lot for which no Building Permit has been issued without requiring further documentation.

iii. Differentiation

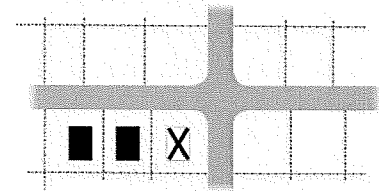
The proposed dwelling shall differ from other applicable dwellings in at least two of the four criteria listed below.

- a. The dwelling differs in the number of full stories.
 - Single-story; or
 - Two-story.
- bb. The dwelling has a different type of garage.
 - Front-loaded garage (one or two-car);
 - Side-loaded garage; or
 - Detached garage.
- ccc. The dwelling has a different roof type.
 - Gable;
 - Hip;
 - Gambrel;
 - Mansard; or
 - All of the above roof types are rotated 90 degrees.

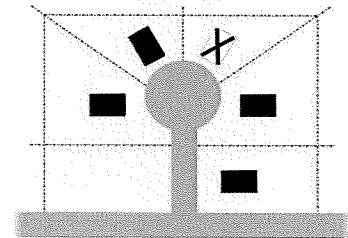
X – Home under Consideration



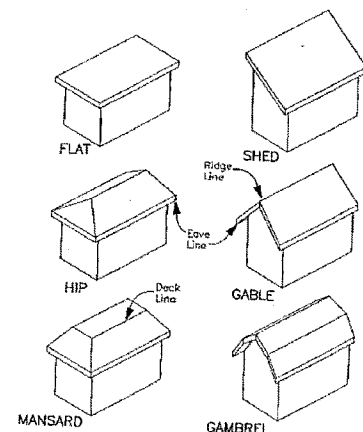
Interior Lot



Corner Lot



Cul-de-Sac Lot



ddd. The dwelling has variation in the front façade.

- The garage is set back a minimum of 4 feet from the front façade;
- A covered, open-walled porch at least 6 feet in depth extends a minimum of 33% of the width of the front façade; or
- Other articulation of the front façade at least 4 feet in depth extends at least 33% of the width of the front façade.

iv. Application Review

- Acceptable documentation may include photographs of the other structures in question (no building elevations are required).
- A subdivision or phase thereof may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat. Such documentation is not required to be recorded as part of the plat.
- The Building Official shall review the submitted documentation and any previously-approved Building Permits and make a determination. Where the Building Official finds that a dwelling for which a Building Permit is being requested is similar in appearance based on the standards above, the Building Permit shall be denied.

Staff Recommendation:

Staff recommends approval of the amendment to Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards to add residential design standards in single family residential districts.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission conducted a Public Hearing at their regular meeting August 29, 2013 and voted unanimously 8-0 to recommend approval of the amendment to Section 37.2 Construction Standards to add residential design standards in single family residential districts.

City Contact:

Melissa M. McCollum, AICP, LEED AP - Director
Planning and Development

Attachments:

None at this time.

CITY OF BASTROP

AGENDA ITEM B2

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 15, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: CONDUCT A PUBLIC HEARING to receive citizens input on an amendment to Chapter 14 of the Zoning Ordinance to amend the definition of Home Occupation in Section A-3 and amend the Use Charts in Section 36.3 to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).
2. Party Making Request: Melissa McCollum, Director of Planning and Development
3. Nature of Request: (Brief Overview) Attachments: Yes X X 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:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____			
8. Staff Recommendation: Staff recommends approval of the amendment to Chapter 14 of the Zoning Ordinance to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).
9. Advisory Board Recommendation: XX Recommended Approval ___ Denial ___ None
The Planning and Zoning Commission:
 - Conducted Workshops at their regular meetings April 25th May 30th and June 27, 2013 to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).
 - Conducted a Public Hearing at their regular scheduled meeting August 29, 2013 and voted unanimously 8-0 to recommend approval to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken:

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

October 22, 2013

Public Notice Description:

Public Hearing, discussion and possible action by City Council to amend Section A-3 Definition 123 Home Occupation, amend the Use Charts to allow the use and Section 36.3 to reflect that Home Occupations do not require a Conditional Use Permit (CUP).

Background:

The City has seen Home Occupations that require a Conditional Use Permit (CUP) that were routinely approved by the Planning and Zoning Commission and City Council and, further, has identified that allowing Home Occupations without a CUP would help with compliance, intent and application of the zoning ordinance.

The Planning and Zoning Commission conducted Workshops at their regular meetings April 25th, May 30th and June 27, 2013 to discuss possible amendments to definition of a Home Occupation, amend the Use Chart and to not require a Conditional Use Permit (CUP) for a Home Occupation.

If City Council approves the amendment, Chapter 14 Exhibit "A," of the Code of Ordinances of the City of Bastrop, Section A-3, "Definitions" shall be amended so that it shall hereafter read as follows:

SECTION A-3 DEFINITIONS

123. HOME OCCUPATION – An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes. A home occupation must comply with all of the following specific criteria.

- a. Home Occupations shall be allowed without the necessity that a Conditional Use Permit (or other special permit) be issued by the City, if such uses relate solely to the use of home areas as further detailed herein by the resident of the premises, and such use does not create on-street parking, significant neighborhood traffic, or other disruption to the residential character of the property; Home occupation shall require a Conditional Use Permit as specified in Section 33, but does not require detailed building plans for a site plan;
- b. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a dwelling and no signage or advertisement of the home occupation or property address is allowed in the yellow pages advertisements in a telephone directory nor via electronic media classified advertisements of the property where the home occupation is being conducted;
- c. The occupation shall not require or provide for the employment of additional persons, other than members of the household in which the home occupation occurs;
- d. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize an area exceeding twenty percent (20%) of combined gross floor area of dwelling unit and accessory building if used for the home occupation;

- e. Not more than two (2) business-related vehicles shall be present at one time and the proprietor shall provide adequate off-street parking for such vehicles and customer vehicles, on the property where the use is located;
- f. The operation of such an occupation related to or resulting in any outdoor activity, shall be between the hours of 8:00 a.m. and 6:00 p.m., only. Customer service activities conducted inside the home, shall be ~~for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;~~
- g. The occupation shall not require the regular and frequent use of large delivery trucks or vehicles ~~with a rated capacity in excess of one and one-half (1 1/2) tons, according to the manufactures classification~~ beyond two (2) stops per day;
- h. The occupation shall not require the use of chemicals on the property that are hazardous to the welfare of the neighborhood;
- i. ~~The occupation shall not may utilize a commercial advertisement in the yellow pages of the including advertisements in a telephone directory, or the a newspaper; and via electronic media classified advertisements shall not include the address;~~
- j. The occupation shall not offer a ready inventory of any commodity for sale on the premises; and
- k. ~~The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation.~~
- l. No signage or advertisement of the home occupation is allowed on the property where the home occupation is being conducted.

Amend Use Chart, Section 36.3 to reflect that Home Occupations do not require a Conditional Use Permit to be issued by the City.

Staff Recommendation:

Staff recommends approval of the amendment to Chapter 14 of the Zoning Ordinance to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission conducted a Public Hearing at their regular meeting August 29, 2013 and voted unanimously 8-0 to recommend approval of the amendment to the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).

City Contact:

Melissa M. McCollum, AICP, LEED AP - Director
Planning and Development

Attachments:

None at this time.

CITY OF BASTROP

AGENDA ITEM B-3

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 16, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: **CONDUCT A PUBLIC HEARING to receive citizens input on a Replat of the west half of Lot 11 in the Young Subdivision being +/-0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street 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 X 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:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) _____			
8. Staff Recommendation:

Staff recommends approval of the requested Replat of the west half of Lot 11 in the Young Subdivision.
9. Advisory Board: _____ Recommended Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken:

City of Bastrop Agenda Information Sheet:



City Council Meeting Date:

October 22, 2013

Project Description:

Public Hearing, discussion, consideration and possible action to approve a Replat of the west half of Lot 11 in the Young Subdivision being +/- 0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street within the city limits of Bastrop, Texas.

Item Summary:

Owner: Brenda Vinklarek
Applicant: Brenda Vinklarek
Location: Located in the City Limits
Utilities: City water, sewer and electric
Zoning: SF7, Single Family Residential

Background:

This property is located in the Young Subdivision that was originally platted in 1942. The property is being subdivided to create a single family residential lot. The replatted lot consists of 0.366 acres (15,942 square feet) and has frontage on Gordon and Delano Streets and unopened Young Street.

Basis of Support:

Staff supports the Replat of Lot 11 within the Young Subdivision. The replat was reviewed by the City Engineer and City Staff and meets all City of Bastrop subdivision requirements for a lot zoned SF7, Single Family Residential and no variances are being requested.

Special Considerations: None.

Comments: Eight (8) surrounding property owner notifications were mailed 10/3/2013. No response from surrounding property owners has been received.

Staff Recommendation:

Staff recommends approval of the requested Replat of the west half of Lot 11 in the Young Subdivision, located south of Gordon Street and west of Linda Street within the city limits of Bastrop, Texas.

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department

Attachments:

Location Map and replat



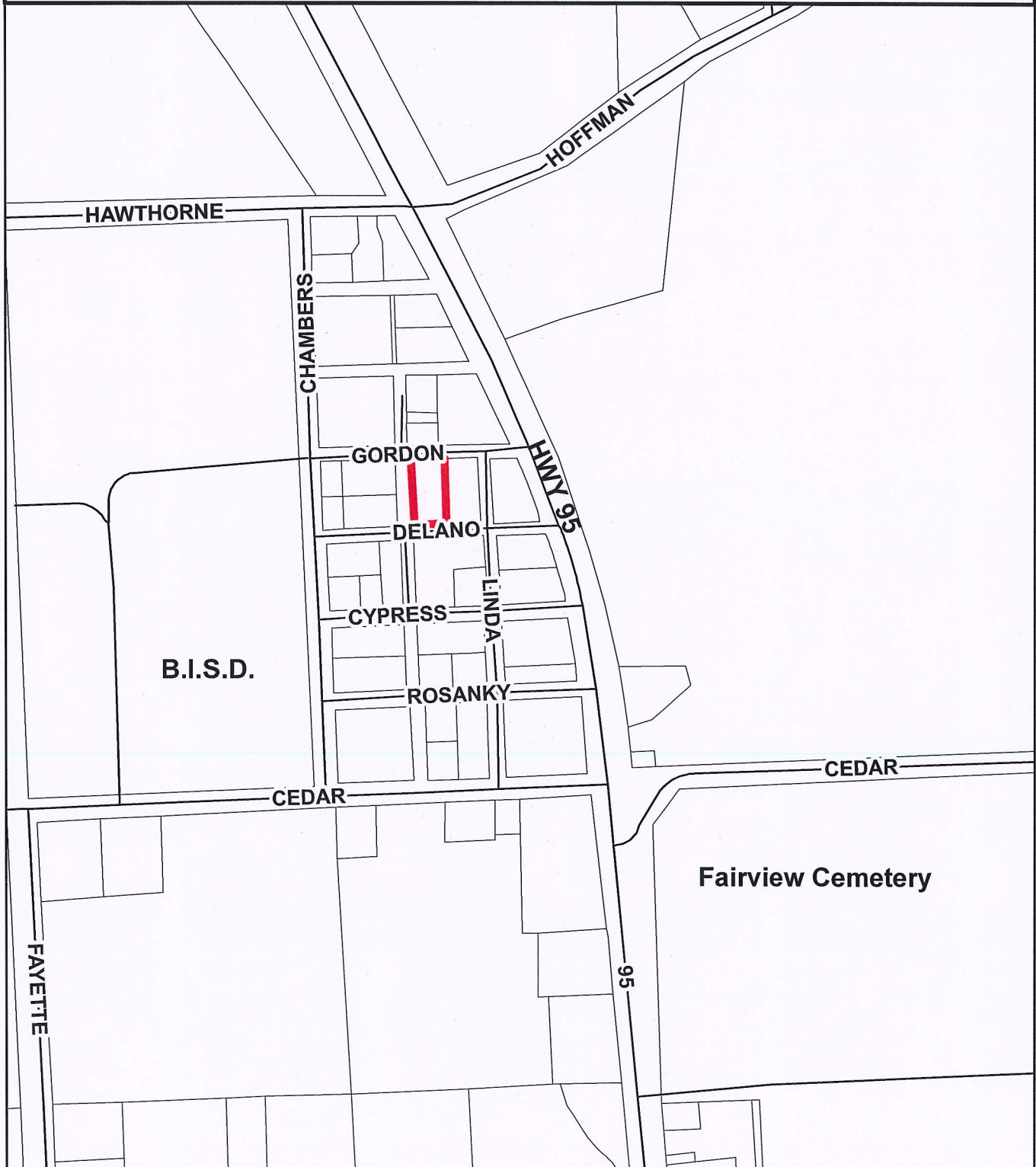
Location Map
for
Replat of the
West Half of Lot 11, Young Subdivision

Legend

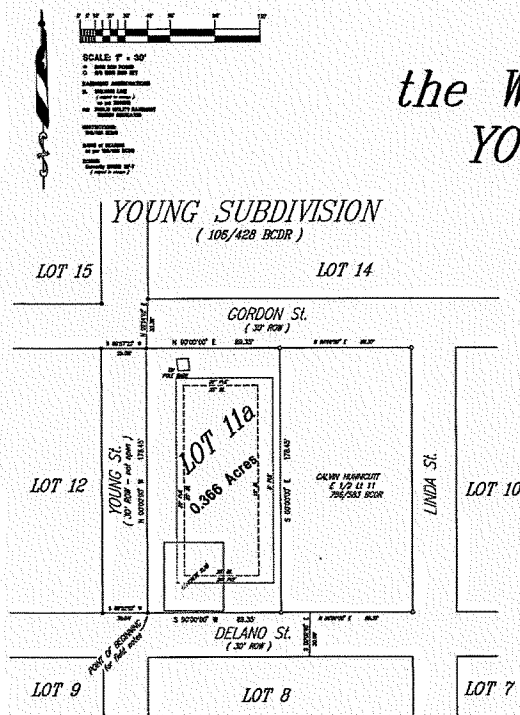


Property Location for Replat

October 2014

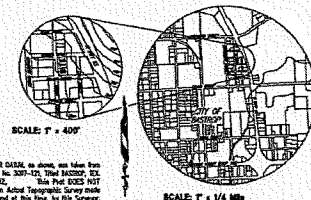


REPLAT of the WEST HALF of LOT 11, YOUNG SUBDIVISION



- 1) All subdivision permits and notices to the City of Basking are subject to the City of Basking Code of Ordinances, construction standards, and generally accepted engineering practices.
- 2) Construction Plans and Specifications for all subdivision improvements shall be reviewed and accepted by the City of Basking prior to any construction within the subdivision.
- 3) Erosion and Sedimentation controls shall be constructed in accordance with the Sedimentation Ordinance of the City of Basking. The owner shall maintain and remove all sediment and debris from the site, including single family and duplex construction.
- 4) The owner of this subdivision, and his or her successors and assigns, assumes sole responsibility for plans for construction of subdivision improvements which comply with applicable codes and regulations of the City of Basking. The owner shall maintain and remove all sediment and debris from the site, including single family and duplex construction.
- 5) By accepting this plat, the City of Basking assumes no obligation to construct any infrastructure in connection with the subdivision. Any subdivision infrastructure required for the development of the lots in the subdivision is the sole responsibility of the developer and/or the owner of the lots. Failure to construct any required infrastructure to City standards may be just cause for the City to deny applications for certain development permits including building permits, site plan approvals and/or certificates of occupancy.
- 6) Building setbacks or other rules are subject to the City of Basking Code of Ordinances. This subdivision is currently ZONED S-1. Schedule subject to change with zoning changes.
- 7) Prior to construction of any improvements on lots in this subdivision, building permits will be obtained from the City of Basking.
- 8) The Development Construction Plans shall be reviewed and accepted by the City of Basking prior to any multi-family or non-residential construction.
- 9) No lot or structure shall be occupied prior to the Applicant submitting to the City of Basking, documentation for subdivision/site registration with the Texas Department of Licensing and Regulation (TDLR) and provide documentation of review and compliance of the subdivision construction plans with Texas Architectural Barriers Act (TABAA).
- 10) All easements and notes from the previous existing subdivision, YOUNG SUBDIVISION, as recorded in Volume 156, Page 438, of the Basking County Deed Records, shall apply to this plat.
- 11) Services provided by:
 - Water service provided by: City of Basking
 - Wastewater service provided by: City of Basking
 - Electric service provided by: Basking Power and Light
 - Telephone service provided by: Southwestern Bell
 - Cable service provided by: Time Warner
 - Gas service provided by: Centurion Energy
- 12) All utilities will be underground.
- 13) No lot in this subdivision shall be occupied until connected to the approved water distribution and wastewater collection facilities.
- 14) Wastewater and Water systems shall conform to TCRD (Texas Commission on Environmental Quality).
- 15) The impact fees for this subdivision shall be based on Ordinance 2011-13 and may be paid prior to building permit issuance.
- 16) Developer shall be solely responsible for all reduction and modifications to existing utilities.

- 17) No portion of this subdivision lies within a designated Flood Hazard Area as shown on the Flood Insurance Rate Map No. 4402010002, Community No. 440202, for the City of Basking, Texas, Effective date 01/18/04. This subdivision lies within Zone "X", "X1000". The degree of flood protection required by the City of Basking Flood Damage Prevention Ordinance is considered responsible for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods may occur, and flood heights may be exceeded by man-made or natural causes. Acceptance of this plat by the City Council does not imply that the land within the area of special flood hazard or any potential flood area will be free from flooding or flood damage. Nor shall acceptance of this plat create liability on the part of the City of Basking or any official or employee thereof for any flood damage that results from reliance on the information contained within this plat or any subdivision decision jointly made herewith.
- 18) On-site storm water detention facilities will be provided to retain post-development peak rates of discharge of the 1, 10, 25, 50 and 100-year storm events.
- 19) No buildings, fences, landscaping or other structures are permitted within drainage easements shown, except as approved by the City of Basking and/or Basking County.
- 20) All drainage easements and/or storm-water detention facilities shall be maintained by the property owner or his or her assigns.
- 21) Residential construction on lots adjacent to or within the 100-year flood plain shall be constructed with the finished floor of least two feet (2') above the 100-year base flood elevation. Commercial construction on lots adjacent to or within the 100-year flood plain shall be constructed with the finished floor of least two feet (2') above the 100-year base flood elevation or flood-protected at least two feet (2') above the 100-year base flood elevation.
- 22) The developer, builder, seller or agent shall inform, in writing, each buyer of subdivision lots or property located within the flood hazard area that such property is in a designated flood hazard area and that a Certificate of Completion will be required to be submitted to the City of Basking Building Inspector prior to the issuance of a certificate of occupancy of a structure.
- 23) All easements of record as indicated on the most recent title run dated May 2011, submitted by Basking Abstract Company, 019 133003, for the property are shown on this plat.
- 24) Temporary and permanent easements to be provided, as required by the City's site plan for off-site water, wastewater and drainage improvements.
- 25) As shown herein, a twenty (20) foot wide public utility easement (PUE) is hereby dedicated adjacent to street ROW on all lots. A five (5) foot wide PUE is hereby dedicated along each side lot line, as shown herein.
- 26) Property owner shall provide access to all easements as may be necessary and shall not prohibit access by governmental authorities.
- 27) All easements in private property shall be maintained by the property owner or his/her assigns.
- 28) The electric utility has the right to place and/or remove lines, shunters, regulators and other structures to the extent necessary to keep the easements clear. The owner/developer of this subdivision shall provide the City of Basking Electric Utility Department with any easement and/or access required, in addition to those indicated, for the installation and ongoing maintenance of overhead and underground electric facilities.
- 29) The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection for electric utility work required to provide electric service to the project.
- 30) Structures shall be constructed in accordance with the Subdivision Ordinance of the City of Basking.



NOTE:
The CONTINGENCY, as shown, was taken from
USGS Map No. 307-1-11, Third Edition, 1951
dated 1951. This Plat DOES NOT
Represent an Actual Topographic Survey made
on the ground at this time, by this Surveyor.

STATE OF TEXAS
COUNTY OF BASKING

KNOW ALL MEN BY THESE PRESENTS,
That I, Brenda Vinkovics, owner of the West Half of Lot 11, Young Subdivision, a subdivision in the City of Basking, as recorded in Volume 156, Page 438, Basking County Deed Records, do hereby file and record this plat in accordance with the plat shown herein, subject to any covenants or restrictions heretofore granted to be known as REPLAT of the WEST HALF of LOT 11, YOUNG SUBDIVISION, and do hereby dedicate to the Public the easements as shown herein.

Witness my hand this _____ day of _____, 201____ A.D.

Brenda Vinkovics
1811 WOOD
HOUSTON, TX 77054
713 668-4148

STATE OF TEXAS
COUNTY OF BASKING

This instrument was acknowledged before me on the _____ day of _____, 201____, by Brenda Vinkovics.

(SEA)
Notary Public, State of Texas
Printed Name of Notary J. Lopez

Approved on this _____ day of _____, 201____ A.D., by the City Council of the City of Basking.

APPROVED: _____ ATTEST:
Jery O. Noyes, Mayor of the City of Basking, Texas City Secretary, City of Basking, Texas

STATE OF TEXAS
COUNTY OF BASKING

I, Jery O. Noyes, County Clerk of Basking County, Texas, do hereby certify that the foregoing instrument of writing with the certificate of authentication was filed for record in my office on the _____ day of _____, 201____ A.D. at _____ o'clock _____ M. In the Plat Records of Basking County, Texas, in Plat Book _____ Page _____.

FILED FOR RECORD on the _____ day of _____, 201____ A.D.

Jery O. Noyes
County Clerk
Basking County, Texas

Deputy

STATE OF TEXAS
COUNTY OF BASKING

I, Dale L. Olson, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Basking, Basking County, Texas.

(SEA)

Dale L. Olson, PLS

CITY OF BASTROP

AGENDA ITEM **D-1**STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 15, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: **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 2013 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:
Provided to City Council are the necessary budget amendments to close fiscal year 2013 and prepare for the annual audit in December. Attached memo provides detail explanation on the specific line items requesting to be amended.
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) _____			
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: _____

ORDINANCE No. _____

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2013 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 2013; 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 2013, 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 2013; 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 ____ day of October, 2013.

READ and ADOPTED on Second Reading on the _____ day of November, 2013.

APPROVED:

ATTEST:

Terry Orr, Mayor

Elizabeth Minerva Lopez, City Secretary

**City of Bastrop
Memorandum**

TO: Mayor & City Council Members

FROM: Karla Stovall, Chief Financial Officer

SUBJECT: Ordinance Amending FY 2013 Budget

DATE: October 15, 2013

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:
 - Donations for Fire Department and their corresponding expenses
 - Transfer from BEDC for City Manager Salaries Expense
 - Offset increase in Property Tax Collection fees with increased collection revenue
 - Unanticipated expenses in Professional Services
 - Unanticipated expenses in Engineering and Consulting
 - Reimbursement of 380 Agreement payments
 - Expenses due to purchase of Server in the Information Technology Department
 - Unanticipated Maintenance Expenses in the Public Works Department
 - Unanticipated Professional Service expenses in the Planning Department
- Designated Fund includes:
 - Appropriation of available funds designated for specific use. – Memorial Sign for Bridge
- Water – Wastewater Fund
 - Accounting entry to reclass Bond Payment for end of year reporting and corresponding expenses
 - Unanticipated professional service expenses in Water Wastewater Administration
 - Unanticipated engineering expenses in Water Wastewater Administration
 - Unanticipated legal expenses in Water Wastewater Administration
 - System Maintenance Expenses within Distribution
 - System Maintenance Expenses within Wastewater Treatment Plant
 - Utilities associated with Wastewater Treatment Plant
 - Unanticipated professional service and lab fee expenses in Wastewater Treatment Plant

Continued...

- Accelerated Recovery Funds
Receipt of Impact Funds and corresponding Development Agreement payment
- Hotel Motel Funds
Accounting entry to book August Bastrop Marketing Corporation payment\
Unanticipated legal expenses
- Grant Fund
Revenues and expenditures associated with Buc-ees' grant.

FY 2013
BUDGET AMENDMENTS
GENERAL FUND

Fund Balance as of 9-30-12	2,865,894
FY 2013 Budgeted Revenues	8,331,528
FY 2013 Budgeted Appropriations	(8,510,595)

2/2013 Budget Amendments (net)	0
06/2013 Budget Amendment (net)	(49,440)
09/2013 Budget Amendment (net)	49,440
Ending Fund Balance	<u>2,686,827</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
Fire Department	Neutral	500.00	Fire Dept Donation	101-00-00-4536
City Manager	Neutral	30,000	Additional Transfer from BEDC	101-00-00-4493
Organizational	Neutral	20,600	Property Tax Collections, offset	101-00-00-4001-03
New Revenue				
Planning		21,140	Building Permits	101-00-00-4020
Planning		13,590	Platting Revenue	101-00-00-4022
Organizational		137,510	Sales Tax offset	101-00-00- 4006
Organizational		4,000	Miscellaneous	101-00-00-4536
Organizational		8,500	Intergovernmental	101-00-00-4411
Total Revenues		<u>235,840.0</u>		

Matching Expenditures to Revenues:

Fire Department	Neutral	(500)	Fire Dept Donation	101-11-00-5340
City Manager	Neutral	(30,000)	Operational Salaries	101-03-00-5101
Organizational	Neutral	(2,570)	Property Tax Appraisal/ Collection Fees	101-02-00-5523

New Expenditures:

Organizational	Increase	(25,000)	Professional Service	101-02-00-5505
Organizational	Increase	(20,000)	Engineering & Consulting	101-02-00-5530
Organizational	Increase	(17,410)	Real Property	101-02-00-6060
Organizational	Increase	(8,600)	380 Agreement Reimbursement	101-02-00-5644
Information Technology	Increase	(54,820)	Information Technology	101-07-00-6000
Parks	Increase	(7,500)	Maintenance Costs	101-18-19-5320
Planning	Increase	(20,000)	Professional Service	101-15-00-5505

Total Expenditures	<u>(186,400)</u>
Net Change	49,440

FY 2013
BUDGET AMENDMENTS
DESIGNATED FUND

Fund Balance as of 9-30-12	269,722
FY 2013 Budgeted Revenues	812,018
FY 2013 Budgeted Appropriations	(673,360)
2/2013 Budget Amendments (net)	(83,417)
6/2013 Budget Amendments (net)	0
9/2013 Budget Amendments (net)	0
Ending Fund Balance	<u>324,963</u>

<u>DEPARTMENT</u>	<u>BUDGET</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>
Matching Revenues to Expenditures:				
Police Department	Neutral	4,950	Memorial Sign For Bridge	102-00-00-4522
	Neutral			
	Neutral			
	Neutral			
Total Revenues		<u>4,950</u>		

Matching Expenditures to Revenues:

Police Department	Neutral	(4,950)	Memorial Sign For Bridge	102-00-00-5586
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New Expenditures:

Total Expense	<u>(4,950)</u>
Net Change	0

FY 2013
BUDGET AMENDMENTS
WATER/WASTEWATER

Fund Balance as of 9-30-12	1,916,338
FY 2013 Budgeted Revenues	3,934,970
FY 2013 Budgeted Appropriations	(3,409,840)
Stabilization Funds	(357,590)
6/2013 Budget Amendments (net)	0
9/2013 Budget Amendments (net)	(115,000)
Ending Fund Balance	<u>2,083,878</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	170,367	Accounting Entry to reclass Bond pmt	202-00-00-4734
Total Revenues		<u>170,367</u>		

Matching Expenditures to Revenues:

Neutral	(117,120)	Accounting Entry to reclass Bond pmt	202-35-10-7139
	(53,247)	Accounting Entry to reclass Bond pmt	202-35-10-7140
New Expenditures:			
increase	(20,000)	Professional Services	202-35-10-5505
	(25,000)	Engineering	202-35-10-5530
	(10,000)	Legal	202-35-10-5525
	(20,000)	System Maintenance	202-35-41-5303
	(10,000)	System Maintenance - WWTP	202-35-46-5303
	(15,000)	Utilities - WWTP	202-35-46-5403
	(10,000)	Professional Services	202-35-46-5505
	(5,000)	Lab Fees	202-35-46-5506
Total Expense	<u>(285,367)</u>		
Net Change	(115,000)		

FY 2013
BUDGET AMENDMENTS
ACCELERATED RECOVERY FEE

Fund Balance as of 9-30-12	697,400
FY 2013 Budgeted Revenues	250,580
FY 2013 Budgeted Appropriations	(249,170)
RESTRICTED-CAPITAL IMPROV	(650,000)
6/2013 Budget Amendments (net)	0
9/2013 Budget Amendments (net)	0
Ending Fund Balance	<u>48,810</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	40,000	ACC Rec Rev-Water	304-00-00-4199
	Neutral	45,000	ACC Rec Rev-Wastewater	304-00-00-4299
Total Revenues		<u>85,000</u>		

Matching Expenditures to Revenues:

Neutral	(85,000)	Dev Agreement-increased housing activity	304-00-00-5629
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Total Expense	<u>(85,000)</u>
Net Change	0

FY 2013
BUDGET AMENDMENTS
HOTEL/MOTEL TAX FUND

Fund Balance as of 9-30-12	2,029,632
FY 2013 Projected Revenues	2,286,900
FY 2013 Budgeted Appropriations	(2,315,000)
2/2013 Budget Amendments (net)	(72,734)
06/2013 Budget Amendment (net)	(116,034)
09/2013 Budget Amendment (net)	59,370
Ending Fund Balance	<u>1,812,764</u>

<u>DEPARTMENT</u>	<u>BUDGET</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>
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New Revenues:

200,000	Increase in Hotel Motel Funds - offset
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Total Revenues	<u>200,000</u>
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New Expenditures:

Increase	(138,130)	Accounting entry for August BMC	501-80-00-5576
Increase	(2,500)	Legal	501-80-00-5525

Total Expense	<u>(140,630)</u>
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Net Change	59,370
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FY 2013
BUDGET AMENDMENTS
GRANT FUND

Fund Balance as of 9-30-12	38,697
FY 2013 Budgeted Revenues	0
FY 2013 Budgeted Appropriations	0
2/2013 Budget Amendments (net)	(38,697)
6/2013 Budget Amendments (net)	0
9/2013 Budget Amendments (net)	0
Ending Fund Balance	<u>0</u>

<u>DEPARTMENT</u>	<u>BUDGET</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>
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Matching Revenues to Expenditures:

Grants	Neutral	5,000	Buc-ee's Grant	801-00-00-4441
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Total Revenues	<u>5,000</u>
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Matching Expenditures to Revenues:

Grants	Neutral	(5,000)	Buc-ee's Grant	801-00-00-5650
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Total Expense	<u>(5,000)</u>
Net Change	0

CITY OF BASTROP

AGENDA ITEM **D-2****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: October 16, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: **Consideration, discussion and possible action on a request for a Replat of Lot 11 in the Young Subdivision being +/-0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street 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 _____
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:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) _____			
8. Staff Recommendation:

Staff recommends approval of the requested Replat of the west half of Lot 11 in the Young Subdivision.
9. Advisory Board: _____ Recommended Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

CITY OF BASTROP

AGENDA ITEM **D-3**STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 15, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: **Consideration, discussion and possible action on the FIRST READING of a proposed Ordinance granting an amendment to Section 37.2 Construction Standards adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and providing an effective date.**
2. Party Making Request: **Melissa McCollum, Director of Planning and Development**
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) _____
8. Staff Recommendation: **Staff recommends approval of the amendment to Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards to add residential design standards in single family residential districts.**
9. Advisory Board Recommendation: XX Recommended Approval ____ Denial ____ None
The Planning and Zoning Commission:
 - Conducted Workshops at their regular meetings April 25th, May 30th and June 27, 2013 to amend Section 37.2 Construction Standards to add residential design standards in single family residential districts.
 - Conducted a Public Hearing at their regular meeting August 29, 2013 and voted unanimously 8-0 to recommend approval of the amendment to Section 37.2 Construction Standards to add residential design standards in single family residential districts.
10. Manager's Recommendation: ____ Approved ____ Disapproved ____ None
11. Action Taken: _____

ORDINANCE No. _____

AN ORDINANCE GRANTING AN AMENDMENT TO SECTION 37.2 CONSTRUCTION STANDARDS ADDING C. RESIDENTIAL DESIGN STANDARDS IN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS, CHAPTER 14, ZONING, "EXHIBIT A" ZONING ORDINANCE, RELATING TO THE REGULATION OF RESIDENTIAL DESIGN STANDARDS FOR SINGLE FAMILY HOMES IN RESIDENTIAL AREAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop adopted the Zoning Ordinance September 14, 1999 to provide for standards that is in keeping with the aesthetic character of the community; and

WHEREAS, the City has seen some of the same façade/design for adjacent single family homes and currently there are no prohibitions from having the exact same home elevations/facades right next to each other; and

WHEREAS, the Planning and Zoning Commission conducted a workshop meeting September 27, 2012, and directed staff to prepare recommendations for an amendment to Section 37.2 Construction Standards to add residential design standards for single family homes in residential areas; and

WHEREAS, the City Staff prepared recommendations for amendments and presented them to the Planning and Zoning Commission in workshops on April 25th, May 30th, and June 27, 2013 wherein the Planning and Zoning Commission reviewed and modified the recommendations and gave direction to the City Staff to draft an ordinance to enact certain amendments to the City's zoning ordinance; and

WHEREAS, the amendments include changes to the exterior construction standards of single family homes in residential areas; and

WHEREAS, the Planning and Zoning Commission after notice, conducted a public hearing and voted unanimously 8-0 at their regular meeting on August 29, 2013 to recommend a code change to Section 37.2 Construction Standards to add residential design standards for single family homes in residential areas; and

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

Part 1: Section 37.2 C of the Zoning Ordinance, Chapter 14, "Appendix A" of the Bastrop City Code of Ordinances is hereby amended to read as follows.

37.2 CONSTRUCTION STANDARDS:

A. Construction standards: The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the City.

1. Residential Zoning Districts:

a. Concrete, excluding 'siding' as defined above, or metal exterior construction is not permitted on any structural exterior wall in any residential use zoning district.

b. Exemptions:

(1) An accessory building two hundred and forty (240) square feet or less are excluded from this prohibition.

(2) On temporary construction buildings with a permit issued by the City Building Official.

c. Residential Design Standards:

(1) Similarity Restrictions

Except as provided in subsection (i) below, no new dwelling that is similar in appearance to a neighboring dwelling is permitted. The standards to determine such similarity are set forth below and shown by example in the illustrations contained in this section.

(i). Exemptions

The following shall be exempt from these provisions:

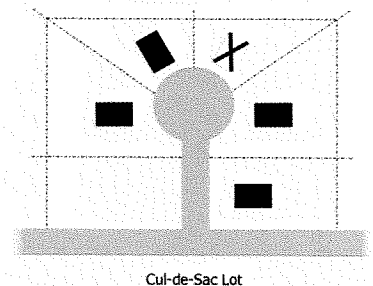
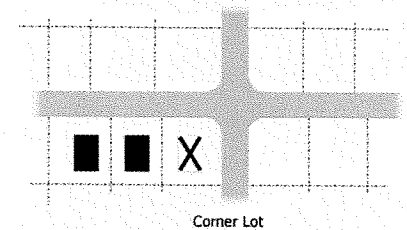
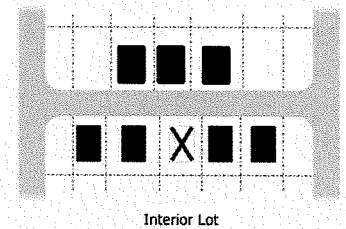
aa. Dwellings for which a Building Permit was approved before May 31, 2013

bb. Dwellings within a Planned Development, where a unified plan containing similarity of architectural form and style among dwellings is integral to such a plan.

ii. Differences in Appearance

aa. Differences in bulk and massing shall be reviewed for the lots on either side of the proposed dwelling on the same side of the street, as shown in the following illustrations.

X – Home under Consideration



bb. Where lots are interrupted by an intervening street, public parkland, or similar feature of at least 50 feet in width, no review shall be necessary.

ccc. The proposed building shall be considered different from any vacant lot for which no Building Permit has been issued without requiring further documentation.

iii. Differentiation

The proposed dwelling shall differ from other applicable dwellings in at least two of the four criteria listed below.

a. The dwelling differs in the number of full stories.

- Single-story; or
- Two-story.

bb. The dwelling has a different type of garage.

- Front-loaded garage (one or two-car);
- Side-loaded garage; or
- Detached garage.

ccc. The dwelling has a different roof type.

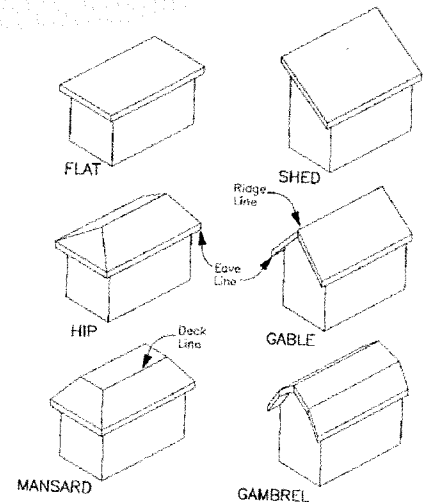
- Gable;
- Hip;
- Gambrel;
- Mansard; or
- All of the above roof types are rotated 90 degrees.

ddd. The dwelling has different variations in the front façade.

- The garage is set back a minimum of 4 feet from the front façade;
- A covered, open-walled porch at least 6 feet in depth extends a minimum of 33% of the width of the front façade; or
- Other articulation of the front façade at least 4 feet in depth extends at least 33% of the width of the front façade.

iv. Application Review

- Acceptable documentation may include photographs of the other structures in question (no building elevations are required).
- A subdivision or phase thereof may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat. Such documentation is not required to be recorded as part of the plat.
- The Building Official shall review the submitted documentation and any previously-approved Building Permits and make a determination. Where the Building Official finds that a dwelling for which a Building Permit is being requested is similar in



appearance based on the standards above, the Building Permit shall be denied.

Part 2: The City Manager and/or his designees are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

Part 3: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 4: This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the **22nd** day of **October, 2013**.

PASSED and ADOPTED on Second Reading on the _____ day of _____, 2013.

APPROVED:

ATTEST:

Terry Orr
Mayor

Elizabeth Minerva Lopez
City Secretary

CITY OF BASTROP

AGENDA ITEM **D-4**STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 15, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: **Consideration, discussion and possible action on the FIRST READING of a proposed Ordinance granting an amendment to Section A-3 Definition 123 Home Occupation and amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require and Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date.**
2. Party Making Request: **Melissa McCollum, Director of Planning and Development**
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) _____			
8. Staff Recommendation: **Staff recommends approval of the amendment to Chapter 14 of the Zoning Ordinance to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).**
9. Advisory Board Recommendation: XX Recommended Approval ____ Denial ____ None
The Planning and Zoning Commission:
 - **Conducted Workshops at their regular meetings April 25th, May 30th and June 27, 2013 to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).**
 - **Conducted a Public Hearing at their regular scheduled meeting August 29, 2013 and voted unanimously 8-0 to recommend approval to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).**
10. Manager's Recommendation: ____ Approved ____ Disapproved ____ None
11. Action Taken: _____

ORDINANCE No. _____

AN ORDINANCE GRANTING AN AMENDMENT TO SECTION A-3 DEFINITION 123 HOME OCCUPATION AND AMENDING THE USE CHART, SECTION 36.3 TO REFLECT THAT HOME OCCUPATIONS DO NOT REQUIRE A CONDITIONAL USE PERMIT (CUP) CHAPTER 14, ZONING, "EXHIBIT A" ZONING ORDINANCE, RELATING TO THE REGULATION OF HOME OCCUPATION USES IN RESIDENTIAL AREAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop adopted the Zoning Ordinance September 14, 1999 to provide for standards that is in keeping with the character of the community; and

WHEREAS, the City has seen Home Occupations that require a Conditional Use Permit (CUP) that were routinely approved by the Planning and Zoning Commission and City Council and, further, has identified that allowing Home Occupations without a CUP would help with compliance, intent and application of the zoning ordinance; and

WHEREAS, the City Staff prepared recommendations for amendments and presented them to the Planning and Zoning Commission in a workshop on April 25th, May 30th and June 27, 2013 wherein the Planning and Zoning Commission reviewed and modified the recommendations and gave direction to the City Staff to draft an ordinance to enact certain amendments to the City's zoning ordinance; and

WHEREAS, the amendments include changes to the Home Occupation definition and the Use Chart and no longer required a CUP for a Home Occupation in single family homes in residential areas; and

WHEREAS, the Planning and Zoning Commission after notice, conducted a public hearing and voted unanimously 8-0 at their regular meeting on August 29, 2013 to recommend an amendment to Section A-3 Definition 123 Home Occupation, amend the Use Charts to allow the use and Section 36.3 to reflect that Home Occupations do not require a Conditional Use Permit (CUP).

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

Part 1: Section A-3, "Definitions" and the Use Chart, Section 36.3 of the Zoning Ordinance, Chapter 14, "Appendix A" of the Bastrop City Code of Ordinances is hereby amended to read as follows.

SECTION A-3 DEFINITIONS

123. HOME OCCUPATION – An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises_zoned for residential purposes. A home occupation must comply with all of the following specific criteria.

- a. Home Occupations shall be allowed without the necessity that a Conditional Use Permit (or other special permit) be issued by the City, if such uses relate solely to the use of home areas as further detailed herein by the resident of the premises, and such use does not create on-street parking, significant neighborhood traffic, or other disruption to the residential character of the property.
- b. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a dwelling and no signage or advertisement of the home occupation or property address is allowed in the yellow pages advertisements in a telephone directory nor via electronic media classified advertisements of the property where the home occupation is being conducted.
- c. The occupation shall not require or provide for the employment of more than one additional person, other than members of the household in which the home occupation occurs.
- d. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize an area exceeding twenty percent (20%) of combined gross floor area of dwelling unit and accessory building if used for the home occupation and no outdoor/exterior storage of equipment will be allowed.
- e. Not more than two (2) business-related vehicles shall be present at one time and the proprietor shall provide adequate off-street parking for such vehicles and customer vehicles, on the property where the use is located.
- f. The operation of such an occupation must be related to indoor activities.
- g. The occupation shall not violate any rules or regulations related to Chapter 8, Offenses and Nuisances of the Code of Ordinances.
- h. The occupation shall not offer a ready inventory of any commodity for sale on the premises.

USE CHART
ZONING ORDINANCE
CITY OF BASTROP, TEXAS

SECTION 36.3

Legend for interpreting the Schedule of Uses

- X Designated use permitted in District
 Designated use prohibited in District
 C Use may be allowed with a Conditional Use Permit

Accessory and Incidental Uses	AOS	SF20	SF9	SF8	SF7	2F	SFA	MF1	MF2	MH	O	NS	GR	CBD	CF	CT	C-1	C-2	IP	LI	PD	MHO
Home Occupation	See Definitions A-3, Home Occupation (123)																			See Def.		
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X

Part 2: The City Manager and/or his designees are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

Part 3: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 4: This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 22nd day of October, 2013.

PASSED and ADOPTED on Second Reading on the _____ day of _____, 2013.

APPROVED:

ATTEST:

Terry Orr
Mayor

Elizabeth Minerva Lopez
City Secretary

CITY OF BASTROP

AGENDA ITEM **D-5**STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 16, 2013

MEETING DATE: October 22, 2013

1. Agenda Item: **Consideration, discussion and possible action with respect to "An Ordinance of the City Council of the City of Bastrop, Texas, Authorizing the issuance and Sale of City of Bastrop, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013; Providing for the Security for and Payment of Said Certificates; Prescribing the Form of Said Certificates; Awarding the Sale Thereof; Approving the Paying Agent/Registrar Agreement, and the Official Statement; and Enacting Other Provisions Relating to the Subject".**
2. Party Making Request: **Mike Talbot, City Manager**
3. Nature of Request: (Brief Overview) Attachments: Yes ☒ No ☐
Attached for City Council review and consideration is an ordinance calling for the issuance of "Eleven (11) million dollars in "Certificate of Obligations" as previously directed by the City Council.
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:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) _____			
8. Staff Recommendation:
9. Advisory Board: _____ Recommended Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

LAW OFFICES

McCALL, PARKHURST & HORTON L.L.P.

717 NORTH HARWOOD

600 CONGRESS AVENUE

700 N. ST. MARY'S STREET

SUITE 900

SUITE 1800

SUITE 1525

DALLAS, TEXAS 75201-6587

AUSTIN, TEXAS 78701-3248

SAN ANTONIO, TEXAS 78205-3503

TELEPHONE: 214 754-9200

TELEPHONE: 512 478-3805

TELEPHONE: 210 225-2800

TELECOPY: 214 754-9250

TELECOPY: 512 472-0871

TELECOPY: 210 225-2984

M E M O R A N D U M

DATE: October 16, 2013

TO: City Secretary

FROM: J. Bart Fowler

RE: City of Bastrop, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013

With respect to the City Council Meeting on October 22, 2013 we recommend the following agenda language:

Consideration and action with respect to "An Ordinance of the City Council of the City of Bastrop, Texas, Authorizing the Issuance and Sale of City of Bastrop, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013; Providing for the Security for and Payment of Said Certificates; Prescribing the Form of Said Certificates; Awarding the Sale Thereof; Approving the Paying Agent/Registrar Agreement, and the Official Statement; and Enacting Other Provisions Relating to the Subject".

The draft Ordinance is attached and I'll bring completed copies to the meeting next Tuesday. Please do not hesitate to call with any questions.

cc: Mike Talbot
Karla Stovall
Dan Wegmiller
Jennifer Douglas

ORDINANCE NO. 2013-__

**ORDINANCE
AUTHORIZING THE ISSUANCE OF**

**§
CITY OF BASTROP, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION
SERIES 2013**

Adopted on October 22, 2013

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EXECUTION

EXHIBIT A - WRITTEN PROCEDURES

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ORDINANCE NO. 2013-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS,
AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BASTROP, TEXAS,
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES
2013; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID
CERTIFICATES; PRESCRIBING THE FORM OF SAID CERTIFICATES;
AWARDING THE SALE THEREOF; APPROVING THE PAYING
AGENT/REGISTRAR AGREEMENT, AND THE OFFICIAL STATEMENT; AND
ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT**

WHEREAS, the City Council (the "City Council") of the City of Bastrop, Texas (the "City"), by resolution adopted on September 10, 2013, directed publication of notice of the City's intention to issue certificates of obligation in an aggregate principal amount not to exceed \$11,000,000 for the purposes hereinafter set forth;

WHEREAS, such notice was published in the manner and to the extent required by law;

WHEREAS, there has not been filed with the City Secretary or any other officer of the City a petition protesting the issuance of such certificates of obligation and requesting an election on the same;

WHEREAS, it is affirmatively found and determined that the City is authorized to proceed with the issuance and sale of such certificates of obligation as authorized by the Constitution and laws of the State of Texas, including, particularly, Chapter 271, Texas Local Government Code, as amended, and Chapter 1502, Texas Government Code, as amended; and

WHEREAS, it is officially found, determined and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the date, hour, place and subject of said meeting, including this Ordinance, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. Ch. 551; Now, Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP:

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise, in this Ordinance the following terms shall have the meanings specified below:

"Certificate" means any of the Certificates.

"Certificates" means the City's certificates of obligation entitled "City of Bastrop, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013" authorized to be issued by Section 3.01 of this Ordinance.

"Closing Date" means the date of the initial delivery of and payment for the Certificates.

"Code" means the Internal Revenue Code of 1986, as amended, including applicable regulations, published rulings and court decisions relating thereto.

"Construction Fund" means the construction fund established by Section 8.01(a) of this Ordinance.

"Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provides for the funding of an escrow to effect the defeasance of the Certificates are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provides for the funding of an escrow to effect the defeasance of the Certificates, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Certificates.

"Designated Payment/Transfer Office" means (i) with respect to the initial Paying Agent/Registrar named herein, its corporate trust office in Houston, Texas, and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means any broker, dealer, bank, trust company, clearing corporation or certain other organizations with Certificates credited to an account maintained on its behalf by DTC.

"Event of Default" means any Event of Default as defined in Section 10.01 of this Ordinance.

"Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

"Initial Certificate" means the Certificate described in Section 3.04(d) and 6.02.

"Interest and Sinking Fund" means the interest and sinking fund established by Section 8.01(a) of this Ordinance.

"Interest Payment Date" means the date or dates upon which interest on the Certificates is scheduled to be paid until the maturity of the Certificates, such dates being February 1 and August 1 of each year commencing February 1, 2014.

"MSRB" means the Municipal Securities Rulemaking Board.

"Ordinance" means this Ordinance.

"Original Issue Date" means the initial date from which interest on the Certificates accrues and which is designated in Section 3.02(a) of this Ordinance.

"Owner" means the person who is the registered owner of a Certificate or Certificates, as shown in the Register.

"Paying Agent/Registrar" means Regions Bank, any successor thereto or an entity which is appointed as and assumes the duties of paying agent/registrar as provided in this Ordinance.

"Purchaser" means the person, firm or entity initially purchasing the Certificates from the City and which is designated in Section 7.01 of this Ordinance.

"Record Date" means the 15th day of the month next preceding an Interest Payment Date.

"Register" means the Register specified in Section 3.06(a) of this Ordinance.

"Representation Letter" means the Blanket Issuer Letter of Representations with respect to the Certificates and other obligations of the City, between the City and DTC.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"Special Payment Date" means the Special Payment Date prescribed by Section 3.03(b) of this Ordinance.

"Special Record Date" means the new record date for interest payment established in the event of a nonpayment of interest on a scheduled payment date, and for 30 days thereafter, as described in Section 3.03(b) of this Ordinance.

"Surplus Revenues" means the revenues of the City's water and wastewater system, available after deduction of the reasonable expenses of said System and the payment of all debt service, reserve and other requirements with respect to all of the City's revenue bonds and other obligations, now outstanding or hereafter issued, that are payable in whole or in part from a pledge of all or part of the revenues of such System.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of principal, redemption premium, if any, or interest on the Certificates as the same become due and payable or money set aside for the payment of Certificates duly called for redemption prior to maturity, and remaining unclaimed for 90 days after the applicable payment or redemption date.

Section 1.02. Other Definitions.

The terms "City Council" and "City" shall have the meanings assigned in the preamble to this Ordinance.

Section 1.03. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.04. Table of Contents, Titles and Headings.

The table of contents, titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.05. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein to sustain the validity of this Ordinance.

ARTICLE II

SECURITY FOR THE CERTIFICATES

Section 2.01. Tax Levy for Payment of the Certificates.

(a) The City Council hereby declares and covenants that it will provide and levy a tax legally and fully sufficient for payment of the Certificates, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligations of the City.

(b) In order to provide for the payment of the debt service requirements on the Certificates, being (i) the interest on the Certificates and (ii) a sinking fund for their payment at maturity or a sinking fund of two percent (whichever amount is the greater), there is hereby levied for the current year and each succeeding year thereafter, while the Certificates or interest thereon remain outstanding and unpaid, a tax within legal limitations on each \$100 valuation of taxable property in the City that is sufficient to pay such debt service requirements, full allowance being made for delinquencies and costs of collection.

(c) The tax levied by this Section shall be assessed and collected each year and applied to the payment of the debt service requirements on the Certificates, and the tax shall not be diverted to any other purpose.

Section 2.02. Revenue Pledge.

The Certificates are additionally secured by and shall be payable from a limited pledge of the Surplus Revenues of the City's water and wastewater system.

Section 2.03. Perfection of Security Interest.

Chapter 1208, Texas Government Code applies to the issuance of the Certificates and the pledge of the taxes and revenues granted by the City under Sections 2.01 and 2.02 of this Ordinance, and such pledge, therefore, is valid, effective, and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of the taxes granted by the City under Section 2.01 of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business and Commerce Code, then in order to preserve to the registered owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business and Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE CERTIFICATES

Section 3.01. Authorization.

(a) The City's certificates of obligation to be designated "City of Bastrop, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013," are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas in the aggregate principal amount of \$_____ for the purpose of paying contractual obligations incurred or to be incurred for: (1) constructing, improving, extending and/or expanding City streets, including drainage, sidewalks, parking and right-of-ways; (ii) constructing, improving, extending and/or expanding the City's water and wastewater system including an additional water supply well and related pipeline and improvements for storm water drainage and detention and related roadway improvements; and (iii) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation.

Section 3.02. Date, Denomination, Maturities, Numbers and Interest.

(a) The Certificates shall have the Original Issue Date of November 12, 2013, shall be in fully registered form, without coupons, in the denomination of \$5,000 or any integral multiple thereof, and shall be numbered separately from one upward or such other designation acceptable to the City and the Paying Agent/Registrar.

(b) The Certificates shall mature on August 1 in the years and in the principal amounts and interest rates set forth below, interest on each Certificate accruing from the Original Issue Date or the most recent Interest Payment Date to which interest has been paid or provided for at the per annum rates of interest, payable semiannually on February 1 and August 1 of each year until the principal amount shall have been paid or provision for such payment shall have been made, commencing February 1, 2014, as follows:

Year	Principal Amount	Interest Rate	Year	Principal Amount	Interest Rate
2015			2025		
2016			2026		
2017			2027		
2018			2028		
2019			2029		
2020			2030		
2021			2031		

2022			2032		
2023			2033		
2024					

Section 3.03. Medium, Method and Place of Payment.

(a) The principal of, premium, if any, and interest on the Certificates shall be paid in lawful money of the United States of America as provided in this Section.

(b) Interest on the Certificates shall be payable to the Owners whose names appear in the Register at the close of business on the Record Date; provided, however, that in the event of nonpayment of interest on a scheduled Interest Payment Date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be at least 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Owner of a Certificate appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

(c) Interest on the Certificates shall be paid by check (dated as of the Interest Payment Date) and sent by the Paying Agent/Registrar to the person entitled to such payment by United States mail, first class postage prepaid, to the address of such person as it appears in the Register or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expenses of such other customary banking arrangements.

(d) The principal of each Certificate shall be paid to the person in whose name such Certificate is registered on the due date thereof (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Certificate at the Designated Payment/Transfer Office.

(e) If a date for the payment of the principal of or interest on the Certificates is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the city in which the Designated Payment/Transfer Office is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday, or day on which such banking institutions are required or authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

(f) Subject to Title 6, Texas Property Code, as amended, Unclaimed Payments remaining unclaimed for three years after the applicable payment or redemption date shall be paid by the Paying Agent/Registrar to the City, to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar, nor any other person shall be liable or responsible to any Owners of such Certificates for any further payment of such unclaimed moneys or on account of any such Certificates, subject to any applicable escheat, abandoned property, or similar law.

Section 3.04. Execution and Initial Registration.

(a) The Certificates shall be executed on behalf of the City by the Mayor and City Secretary of the City, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Certificates shall have the same effect as if each of the Certificates had been signed manually and in person by each of said officers, and such facsimile seal on the Certificates shall have the same effect as if the official seal of the City had been manually impressed upon each of the Certificates.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Certificates ceases to be such officer before the authentication of such Certificates or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution by an officer or duly authorized representative of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Certificates. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Certificate delivered on the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller of Public Accounts of the State of Texas or by his duly authorized agent, which certificate shall be evidence that the Initial Certificate has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller of Public Accounts of the State of Texas.

(d) On the Closing Date, one Initial Certificate representing the entire principal amount of the Certificates, payable in stated installments to the Purchaser or its designee, executed by manual or facsimile signature of the Mayor and City Secretary of the City, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to the Purchaser or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate and deliver to DTC on behalf of the Purchaser one registered definitive Certificate for each year of maturity of the Certificates in the aggregate principal amount of all Certificates for such

maturity, registered in the name of Cede & Co., as nominee for DTC. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Certificates in safekeeping for DTC.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Certificate is registered as the absolute owner of such Certificate for the purpose of making and receiving payment of the principal thereof and premium, if any, thereon, for the further purpose of making and receiving payment of the interest thereon (subject to the provisions herein that interest is to be paid to the person in whose name the Certificate is registered on the Record Date or Special Record Date, as applicable), and for all other purposes, whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the person deemed to be the Owner of any Certificate in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Certificates remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Certificates in accordance with this Ordinance.

(b) Registration of any Certificate may be transferred in the Register only upon the presentation and surrender thereof at the Designated Payment/Transfer Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Certificates, or any portion thereof in any integral multiple of \$5,000, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the Certificate or any portion thereof registered in the name of such assignee or assignees. No transfer of any Certificate shall be effective until entered in the Register. Upon assignment and transfer of any Certificate or portion thereof, a new Certificate or Certificates will be issued by the Paying Agent/Registrar in conversion and exchange for such transferred and assigned Certificate. To the extent possible the Paying Agent/Registrar will issue such new Certificate or Certificates in not more than three business days after receipt of the Certificate to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Certificate may be converted and exchanged only upon the presentation and surrender thereof at the Designated Payment/Transfer Office, together with a written request therefor duly executed by the registered owner or assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the

Paying Agent/Registrar, for a Certificate or Certificates of the same maturity and interest rate and in any authorized denomination and in an aggregate principal amount equal to the unpaid principal amount of the Certificate presented for exchange. If a portion of any Certificate is redeemed prior to its scheduled maturity as provided herein, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of \$5,000 at the request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. To the extent possible, a new Certificate or Certificates shall be delivered by the Paying Agent/Registrar to the Owner of the Certificate or Certificates in not more than three business days after receipt of the Certificate to be exchanged in proper form and with proper instructions directing such exchange.

(d) Each Certificate issued in exchange for any Certificate or portion thereof assigned, transferred or converted shall have the same principal maturity date and bear interest at the same rate as the Certificate for which it is being exchanged. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate. The Paying Agent/Registrar shall convert and exchange the Certificates as provided herein, and each substitute Certificate delivered in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such substitute Certificate is delivered.

(e) The City will pay the Paying Agent/Registrar's reasonable and customary charge for the initial registration or any subsequent transfer, exchange or conversion of Certificates, but the Paying Agent/Registrar will require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer, exchange or conversion of a Certificate. In addition, the City hereby covenants with the Owners of the Certificates that it will (i) pay the reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Certificates, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to the transfer, registration, conversion and exchange of Certificates as provided herein.

(f) Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Certificate called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled balance of a Certificate.

Section 3.07. Cancellation and Authentication.

(a) All Certificates paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are authenticated and delivered in accordance with this Ordinance, shall be canceled and destroyed upon the making of proper records regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall periodically furnish the City with certificates of destruction of such Certificates.

(b) Each substitute Certificate issued pursuant to the provisions of Sections 3.06 and 3.08 of this Ordinance, in conversion of and exchange for or replacement of any Certificate or Certificates issued under this Ordinance, shall have printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form hereinafter set forth. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, manually sign and date such Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so executed. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing conversion and exchange or replacement of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein. Pursuant to Title 9, Tex. Gov't Code Ann., as amended, and particularly Chapter 1201, Subchapter D thereof, the duty of conversion and exchange or replacement of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the above Paying Agent/Registrar's Authentication Certificate, the converted and exchanged or replaced Certificates shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Initial Certificate which was originally delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(c) Certificates issued in conversion and exchange or replacement of any other Certificate or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Certificates, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) shall be payable as to principal of and interest, all as provided, and in the manner required or indicated, in the Form of Certificates set forth in this Ordinance.

Section 3.08. Replacement Certificates.

(a) Upon the presentation and surrender to the Paying Agent/Registrar, at the Designated Payment/Transfer Office, of a mutilated Certificate, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Certificate to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Certificate is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Certificate has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Certificate;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar and the City to save them harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Certificate, a bona fide purchaser of the original Certificate in lieu of which such replacement Certificate was issued presents for payment such original Certificate, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Certificate from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Certificate has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Certificate, may pay such Certificate if it has become due and payable or may pay such Certificate when it becomes due and payable.

(e) Each replacement Certificate delivered in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such replacement Certificate is delivered.

Section 3.09. Book-Entry-Only System.

(a) The definitive Certificates shall be initially issued in the form of a separate single fully registered Certificate for each of the maturities thereof. Upon initial issuance, the ownership of each such Certificate shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Register as the absolute Owner of such Certificate for the purpose of payment of principal of, premium, if any, and interest on the Certificates, for the purpose of giving notices of redemption and other matters with respect to such Certificate, for the purpose of registering transfer with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than an Owner, as shown in the register, shall receive a Certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The execution and delivery of the Representation Letter is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Certificates.

Section 3.10. Successor Securities Depository; Transfer Outside Book-Entry Only System.

In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, and that it is in the best interest of the beneficial owners of the Certificates that they be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts, as identified by DTC. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.11. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificates, and all notices with respect to such Certificates, shall be made and given, respectively, in the manner provided in the Representation Letter.

ARTICLE IV

REDEMPTION OF CERTIFICATES BEFORE MATURITY

Section 4.01. Limitation on Redemption.

The Certificates shall be subject to redemption before scheduled maturity only as provided in this Article IV.

Section 4.02. Redemption of Certificates Prior to Maturity

(i) The City reserves the option to redeem the Certificates maturing on and after August 1, 2022, in whole or from time to time in part, before their scheduled maturity date, on August 1, 2021, or on any date thereafter (such redemption date or dates to be fixed by the City) at a price equal to the principal amount of the Certificates called for redemption plus accrued interest from the most recent interest payment date on which interest has been paid or duly provided for to the redemption date.

(ii) The City, at least forty-five (45) days before the redemption date (unless a shorter period shall be satisfactory to the Paying Agent/Registrar), shall notify the Paying

Agent/Registrar of such redemption date and of the principal amount of Certificates to be redeemed.

Section 4.03. Partial Redemption.

(a) If less than all of the Certificates are to be redeemed pursuant to Section 4.02, the City shall determine the maturities and amounts thereof to be redeemed and shall direct the Paying Agent/Registrar (or DTC or a successor securities depository, as applicable, if the Certificates are in Book-Entry-Only form) to call by lot Certificates, or portions thereof within such maturity and in such principal amounts, for redemption.

(b) A portion of a single Certificate of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. The Paying Agent/Registrar shall treat each \$5,000 portion of the Certificate as though it were a single Certificate for purposes of selection for redemption.

(c) Upon surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06, shall authenticate and deliver in exchange a Certificate or Certificates in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Certificate as to which only a portion thereof is to be redeemed.

Section 4.04. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Certificates by sending notice by United States mail, first class postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the Owner of each Certificate (or part thereof) to be redeemed, at the address shown on the Register.

(b) The notice shall state the redemption date, the redemption price, the place at which the Certificates are to be surrendered for payment, and, if less than all the Certificates outstanding are to be redeemed, an identification of the Certificates or portions thereof to be redeemed.

(c) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.05. Payment Upon Redemption.

(a) Before or on each redemption date, the Paying Agent/Registrar shall make provision for the payment of the Certificates to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City sufficient to pay the redemption price of such Certificates.

(b) Upon presentation and surrender of any Certificate called for redemption at the Designated Payment/Transfer Office on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the redemption price of such Certificate to the date of redemption from the money set aside for such purpose.

Section 4.06. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.04, the Certificates or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the redemption price thereof, such Certificates or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Certificates are presented and surrendered for payment on such date.

(b) If any Certificate or portion thereof called for redemption is not so paid upon presentation and surrender of such Certificate for redemption, such Certificate or portion thereof shall continue to bear interest at the rate stated on the Certificate until paid or until due provision is made for the payment of same.

Section 4.07. Conditional Notice of Redemption.

With respect to any optional redemption of the Certificates, unless certain prerequisites to such redemption required by this have been met and the moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

(a) The City hereby appoints Regions Bank, as its registrar and transfer agent to keep such books or records and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfer and registrations as herein provided. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of such Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar has agreed to maintain a copy of the Register at its offices, or the office of its agent, located in Houston, Texas.

(b) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all conversions, exchanges and replacements of such Certificates, as provided in this Ordinance.

(c) The execution and delivery of a Paying Agent/Registrar Agreement, specifying the duties and responsibilities of the City and the Paying Agent/Registrar, is hereby approved with such changes as may be approved by the Mayor of the City, and the Mayor and City Secretary of the City are hereby authorized to execute such agreement.

Section 5.02. Qualifications.

Each Paying Agent/Registrar shall be (i) a commercial bank, trust company, or other entity duly qualified and legally authorized under applicable law, (ii) authorized under such laws to exercise trust powers, (iii) subject to supervision or examination by a federal or state governmental authority, and (iv) a single entity.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Certificates are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

Section 5.04. Termination.

The City reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated a certified copy of a resolution of the City (i) giving notice of the termination of the appointment and of the Paying Agent/Registrar Agreement, stating the effective date of such termination, and (ii) appointing a successor Paying Agent/Registrar; provided that no such termination shall be effective until a successor Paying Agent/Registrar has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.05. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by United States mail, first class postage prepaid, at the address in the Register, stating the effective date of the change and the name of the replacement Paying Agent/Registrar and the mailing address of its Designated Payment/Transfer Office.

Section 5.06. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby.

Section 5.07. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Certificates to the successor Paying Agent/Registrar.

ARTICLE VI

FORM OF THE CERTIFICATES

Section 6.01. Form Generally.

(a) The Certificates, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Certificates, (i) shall be substantially in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Certificates, as evidenced by their execution thereof.

(b) Any portion of the text of any Certificates may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Certificates.

(c) The Certificates shall be printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other manner, all as determined by the officers executing such Certificates, as evidenced by their execution thereof, except that the Initial Certificate submitted to the Attorney General of Texas, the definitive Certificates delivered to DTC and any temporary Certificates may be typewritten or photocopied or otherwise produced.

Section 6.02. Form of Certificates.

The form of Certificates, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Certificates, shall be substantially as follows:

(a) [Form of Certificate]

REGISTERED

REGISTERED

No. _____

\$ _____

United States of America
State of Texas

CITY OF BASTROP, TEXAS
COMBINATION TAX AND REVENUE
CERTIFICATE OF OBLIGATION
SERIES 2013

Interest Rate	Maturity Date	Original Issue Date	CUSIP Number
		November 12, 2013	

The City of Bastrop (the "City") in the County of Bastrop, State of Texas, for value received, hereby promises to pay to

or registered assigns, on the Maturity Date specified above, the sum of

_____ DOLLARS

unless this Certificate shall have been sooner called for redemption and the payment of the principal hereof shall have been paid or provision for such payment shall have been made, and to pay interest on the unpaid principal amount hereof from the later of the Original Issue Date specified above or the most recent interest payment date to which interest has been paid or provided for until such principal amount shall have been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on February 1 and August 1 of each year, commencing February 1, 2014.

The principal of this Certificate shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Certificate at the corporate trust office in Houston, Texas (the "Designated Payment/Transfer Office"), of the Paying Agent/Registrar executing the registration certificate appearing hereon, or, with respect to a successor Paying Agent/Registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Certificate is payable by check dated as of the interest payment date, mailed by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar or by such other customary banking arrangements acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the person to whom interest is to be paid. For the purpose of the payment of interest on this Certificate, the registered owner shall be the person in whose name this Certificate is registered at the close of business on the "Record Date," which shall be the 15th day of the month next preceding such interest payment date; provided, however, that in the event of nonpayment of interest on a scheduled interest payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner of a Certificate appearing on the books of the Paying Agent/Registrar at the close of business on the last business day preceding the date of mailing such notice.

If a date for the payment of the principal of or interest on the Certificates is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the city in which the Designated Payment/Transfer Office is located are authorized by law or executive order to close, then the

date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday, or day on which such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

This Certificate is one of a series of fully registered certificates of obligation specified in the title hereof issued in the aggregate principal amount of \$_____ (herein referred to as the "Certificates"), issued pursuant to a certain Ordinance of the City Council of the City (the "Ordinance"), for the following purposes (i) constructing, improving, extending and/or expanding City streets, including drainage, sidewalks, parking and right-of-ways; (ii) constructing, improving, extending and/or expanding the City's water and wastewater system including an additional water supply well and related pipeline and improvements for storm water drainage and detention and related roadway improvements; and (iii) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation.

The Certificates and the interest thereon are payable from the levy of a direct and continuing ad valorem tax, within the limit prescribed by law, against all taxable property in the City and by a limited pledge of certain Surplus Revenues of the City's water and wastewater system, all as provided in the Ordinance.

The City has reserved the option to redeem the Certificates maturing on and after August 1, 2022, before their respective scheduled maturity in whole or from time to time in part in integral multiples of \$5,000, on August 1, 2021, or on any date thereafter, at a price equal to the principal amount of the Certificates so called for redemption plus accrued interest to the redemption date. If less than all of the Certificates are to be redeemed, the City shall determine the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar (or DTC or a successor securities depository, as applicable, if the Certificates are in book-entry form) to call by lot Certificates, or portions thereof within such maturity or maturities and in such amounts, for redemption.

Notice of such redemption or redemptions shall be sent by United States mail, first class postage prepaid, not less than 30 days before the date fixed for redemption, to the registered owner of each of the Certificates to be redeemed in whole or in part. Notice having been so given, the Certificates or portions thereof designated for redemption shall become due and payable on the redemption date specified in such notice, and from and after such date, notwithstanding that any of the Certificates or portions thereof so called for redemption shall not have been surrendered for payment, interest on such Certificates or portions thereof shall cease to accrue. Conditional notice of redemption may also be given as provided in the Ordinance.

With respect to any optional redemption of the Certificates, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the

satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

As provided in the Ordinance, and subject to certain limitations therein set forth, this Certificate is transferable upon surrender of this Certificate for transfer at the Designated Payment/Transfer Office, with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar, and, thereupon, one or more new fully registered Certificates of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Certificate called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled balance of a Certificate.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Certificate is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Certificate is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Certificate be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Certificate and the series of which it is a part is duly authorized by law; that all acts, conditions and things required to be done precedent to and in the issuance of the Certificates have been properly done and performed and have happened in regular and due time, form and manner, as required by law; and that the total indebtedness of the City, including the Certificates, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, this Certificate has been duly executed on behalf of the City, under its official seal, in accordance with law.

City Secretary, City of Bastrop, Texas

Mayor, City of Bastrop, Texas

[CITY SEAL]

(b) [Form of Certificate of Paying Agent/Registrar]

CERTIFICATE OF PAYING AGENT/REGISTRAR

This is one of the Certificates referred to in the within mentioned Ordinance. The series of Certificates of which this Certificate is a part was originally issued as one Initial Certificate which was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

REGIONS BANK,
as Paying Agent/Registrar

Dated: _____

By: _____
Authorized Signatory

(c) [Form of Assignment]

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto (print or typewrite name, address and zip code of transferee):

(Social Security or other identifying number: _____) the within Certificate and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Certificate on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular and must be guaranteed in a manner acceptable to the Paying Agent/Registrar.

Signature Guaranteed By:

Authorized Signatory

(d) Initial Certificate Insertions.

(i) The Initial Certificate shall be in the form set forth in paragraph (a) of this Section, except that:

A. immediately under the name of the Certificate, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As Shown Below" and "CUSIP Number. ____" deleted;

B. in the first paragraph:

the words "on the Maturity Date specified above" shall be deleted and the following will be inserted: "on August 1 in the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Years	Principal Installments	Interest Rates
-------	---------------------------	-------------------

(Information to be inserted from Section 3.02(b) hereof.)

C. In the second paragraph of the Initial Certificate, "initial" shall be inserted before "Paying Agent/Registrar" in the first sentence, "executing the registration certificate appearing hereon," shall be deleted and an additional sentence shall be added to the paragraph as follows: "The initial Paying Agent/Registrar is Regions Bank.";

D. the Initial Certificate shall be numbered R-1.

(ii) The following Registration Certificate of Comptroller of Public Accounts shall appear on the Initial Certificate in lieu of the Certificate of Paying Agent/Registrar:

REGISTRATION CERTIFICATE OF COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER
OF PUBLIC ACCOUNTS

§
§
§
§

REGISTER NO. _____

THE STATE OF TEXAS

I HEREBY CERTIFY THAT there is on file and of record in my office a certificate to the effect that the Attorney General of the State of Texas has approved this Certificate, and that this Certificate has been registered this day by me.

WITNESS MY SIGNATURE AND SEAL OF OFFICE this

_____.

[SEAL]

Comptroller of Public Accounts
of the State of Texas

Section 6.03. CUSIP Registration.

The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, and may authorize the printing of such numbers on the face of the Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Certificates shall be of no significance or effect as regards the legality thereof and neither the City nor the attorneys approving said Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Certificates.

Section 6.04. Municipal Bond Insurance.

If municipal bond guaranty insurance is obtained with respect to the Certificates, the Certificates, including the Initial Certificate, may bear an appropriate legend, as provided by the insurer.

ARTICLE VII

SALE OF THE CERTIFICATES; CONTROL
AND DELIVERY OF THE CERTIFICATES

Section 7.01. Sale of Certificates, Official Statement.

(a) The Certificates are hereby sold and shall be delivered to _____, as the senior managing underwriter, and _____, as co-manager, (collectively, the "Purchasers") in accordance with the terms and provisions of a Bond Purchase Agreement in substantially the form presented to the City at the meeting to consider this Ordinance which the Mayor of the City is hereby authorized to execute and deliver and which the City Secretary of the City is hereby authorized to attest. The City will initially deliver to the Purchasers the Certificates authorized under this Ordinance. The Certificates shall initially be registered in the name of _____. In consultation with, and reliance upon the advise of the City's financial advisor, the City has determined that the terms of sale are the most advantageous reasonably available on the date and time of the pricing of the Certificates given the then existing market conditions and the stated terms of sale on such date and time.

(b) The form and substance of the Official Statement for the Certificates and any addenda, supplement or amendment thereto (the "Official Statement") presented to and considered at this meeting, is hereby in all respects approved and adopted, and the Preliminary Official Statement is hereby confirmed as deemed final as of its date (except for the omission of pricing and related information) within the meaning and for the purposes of paragraph (b)(1) of

Rule 15c2-12 under the Securities Exchange Act of 1934, as amended, by the City Council. The Mayor and City Secretary of the City are hereby authorized and directed to execute the same and deliver appropriate numbers of executed copies thereof to the Purchaser of the Certificates. The Official Statement as thus approved, executed and delivered, with such appropriate variations as shall be approved by the Mayor of the City and the Purchaser of the Certificates, may be used by the Purchaser in the public offering and sale thereof. The use and distribution of the Official Statement in the public offering of the Certificates by the Purchaser is hereby ratified, approved and confirmed. The City Secretary of the City is hereby authorized and directed to include and maintain a copy of the Official Statement and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting. The use and distribution of the Preliminary Official Statement for the Certificates and the preliminary public offering of the Certificates by the Purchaser is hereby ratified, approved and confirmed.

(c) All officers of the City are authorized to execute such documents, certificates and receipts as they may deem appropriate in order to consummate the delivery of the Certificates.

(d) All officers of the City are authorized to do any and all things to execute and deliver any and all documents, certificates or other instruments necessary or required for the issuance of any policy or policies of municipal bond insurance relating to the Certificates. The ordinance requirements and accompanying commitments for such insurance are hereby approved and made a part of this Ordinance by reference. To the extent permitted by applicable law, the City will comply with all notice and other applicable requirements of the insurer issuing the municipal bond insurance policy and financial guaranty insurance in connection with the issuance of the Certificates, as such requirements may be in the effect and transmitted to Bond Counsel with such insurer's commitment to issue such insurance.

(e) The obligation of the Purchaser to accept delivery of the Certificates is subject to the Purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., Bond Counsel for the City, which opinion shall be dated and delivered on the Closing Date. The engagement of such firm as bond counsel for the City in connection with the issuance, sale and delivery of the Certificates is hereby approved, ratified and confirmed.

Section 7.02. Control and Delivery of Certificates.

(a) The Mayor of the City is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining thereto pending investigation, examination and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas, and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts of the State of Texas, delivery of the Certificates shall be made to the Purchaser under and subject to the general

supervision and direction of the Mayor of the City, against receipt by the City of all amounts due to the City under the terms of sale.

ARTICLE VIII

CREATION OF FUNDS AND ACCOUNTS; DEPOSIT OF PROCEEDS; INVESTMENTS

Section 8.01. Creation of Funds.

(a) The City hereby establishes the following special funds or accounts:

(i) the City of Bastrop, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013, Interest and Sinking Fund (the "Interest and Sinking Fund"); and

(ii) the City of Bastrop, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013, Construction Fund (the "Construction Fund").

(b) The Interest and Sinking Fund and the Construction Fund shall be maintained at an official depository of the City.

Section 8.02. Interest and Sinking Fund.

(a) The taxes levied and revenues pledged under Article II shall be deposited to the credit of the Interest and Sinking Fund at such times and in such amounts as necessary for the timely payment of the principal of and interest on the Certificates.

(b) The proceeds of the Certificates representing accrued interest on the Certificates shall be deposited to the credit of the Interest and Sinking Fund for the payment of interest on the Certificates.

(c) Money on deposit in the Interest and Sinking Fund shall be used to pay the principal of and interest on the Certificates as such become due and payable.

Section 8.03. Construction Fund.

(a) Money on deposit in the Construction Fund, including investment earnings thereof, shall be used for the purposes specified in Section 3.01 of this Ordinance.

(b) All amounts remaining in the Construction Fund after the accomplishment of the purposes for which the Certificates are hereby issued, including investment earnings of the Construction Fund, shall be deposited into the Interest and Sinking Fund, unless a change in

applicable law, as evidenced by an opinion of bond counsel, permits or authorizes all or any part of such funds to be used for other purposes.

Section 8.04. Security of Funds.

All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

Section 8.05. Deposit of Proceeds.

(a) All amounts received on the Closing Date as accrued interest on the Certificates from the Original Issue Date to the Closing Date, and premium, if any, on the Certificates shall be deposited to the Interest and Sinking Fund.

(b) The remainder of the proceeds of the Certificates shall be deposited to the Construction Fund and used for the purposes specified in Section 3.01 hereof and for paying the costs of issuance with respect to the Certificates.

Section 8.06. Investments.

(a) Money in the funds established by this Ordinance, at the option of the City, may be invested in such securities or obligations as permitted under applicable law.

(b) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

Section 8.07. Investment Income.

Interest and income derived from investment of any fund created by this Ordinance shall be credited to such fund.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Certificates.

While any of the Certificates are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay the interest on and the principal of the Certificates, as applicable, as will accrue or mature on each applicable Interest Payment Date.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Certificate; the City will promptly pay or cause to be paid the principal of, interest on, and premium, if any, with respect to, each Certificate on the dates and at the places and manner prescribed in such Certificate; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Certificates; all action on its part for the creation and issuance of the Certificates has been duly and effectively taken; and the Certificates in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

Section 9.03. Covenants Regarding Tax Exemption of Interest on the Certificates.

(a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Certificates being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Certificates being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificates, other than investment property acquired with:

(A) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Certificates are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Certificates;

(7) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificates) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Certificates have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Certificates. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificates, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates. The Ordinance is intended to satisfy the official intent requirements set forth in Section 1.152.2 of the Treasury Regulations.

(d) Allocation Of and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 3.01 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the

Certificates, or (2) the date the Certificates are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Certificates. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Certificates. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Designation as Qualified Tax-Exempt Obligations. The City hereby designates the Certificates as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code. In furtherance of such designation, the City represents, covenants and warrants the following: (a) that during the calendar year in which the Certificates are issued, the City (including any subordinate entities) has not designated nor will designate bonds, which when aggregated with the Certificates, will result in more than \$10,000,000 of "qualified tax-exempt obligations" being issued; (b) that the City reasonably anticipates that the amount of tax-exempt obligations issued, during the calendar year in which the Certificates are issued, by the City (or any subordinate entities) will not exceed \$10,000,000; and, (c) that the City will take such action or refrain from such action as necessary, and as more particularly set forth in this Section, in order that the Certificates will not be considered "private activity bonds" within the meaning of Section 141 of the Code.

(g) Written Procedures. Unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the City hereby adopts and establishes the instructions attached hereto as Exhibit "A" as their written procedures for the Certificates and any other tax-exempt debt or obligation outstanding or hereafter issued.

ARTICLE X

DEFAULT AND REMEDIES

Section 10.01. Events of Default.

Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to-wit:

- (i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or
- (ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Owner to the City.

Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Certificates then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(c) By accepting the delivery of a Certificate authorized under this Ordinance, such Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(d) No covenant or agreement contained in the Certificates, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his or her individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Certificates shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Certificates.

ARTICLE XI

DISCHARGE AND DEFEASANCE

Section 11.01. Defeasance of Certificates.

(a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption or the establishment of irrevocable provisions for the giving of such notice) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or an eligible trust company or commercial bank for the payment of its services until all Defeased Certificates shall have become due and payable or (3) any combination of (1) and (2). At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as

aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes or revenues herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Certificate as aforesaid when proper notice of redemption of such Certificates shall have been given or upon the establishment of irrevocable provisions for the giving of such notice, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or an eligible trust company or commercial bank as provided in this Section may at the discretion of the City Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Certificate and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Certificates and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Certificates and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section for the payment of Certificates and such Certificates shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Certificate affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Certificate to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Certificate for redemption in accordance with the provisions of this Ordinance, the City may call such Defeased Certificate for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Certificate as though it was being defeased at the time of the exercise of the option to redeem the Defeased Bond and the

effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Certificate.

ARTICLE XII

CONTINUING DISCLOSURE UNDERTAKING

12.01 Annual Reports.

The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of any fiscal year, financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by Section 7.01(b) of this Ordinance, being the information described in Exhibit "A" hereto. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "A" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

12.02. Event Notices.

The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Certificates:

- A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities laws;

- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax-exempt status of the Certificates, or other events affecting the tax-exempt status of the Certificates
- G. Modifications to rights of holders of the Certificates, if material within the meaning of the federal securities laws;
- H. Certificate calls, if material within the meaning of the federal securities laws;
- I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Certificates, if material within the meaning of the federal securities laws;
- K. Rating changes;
- L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and
- N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection. All

documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

12.03. Limitations, Disclaimers, and Amendments.

The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 12.02 of this Ordinance that causes the Certificates no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR *MANDAMUS* OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City hereby agrees to undertake such obligation with respect to the Certificates in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Certificates consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Certificates. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with paragraph (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates.

ARTICLE XIII

AMENDMENTS; FURTHER PROCEDURES; AND SEVERABILITY

Section 13.01. Amendments.

This Ordinance shall not be amended or repealed by the City while any Certificate remains outstanding, except as permitted by this Section. The City, without the consent of or notice to any Owner, from time to time and at any time, may amend this Ordinance in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City, with the written consent of Owners holding a majority in aggregate principal amount of the Certificates then outstanding affected thereby, may amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Owners of then outstanding Certificates, no such amendment, addition, or rescission shall (i) extend the time or times of payment of the principal of and interest on the Certificates, reduce the principal amount thereof, redemption price therefor, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of or interest on the Certificates, (ii) give any preference to any Certificate over any other Certificate, or (iii) reduce the aggregate principal amount of Certificates required for consent to any such amendment, addition, or rescission.

Section 13.02. Further Procedures.

The officers and employees of the City are hereby authorized and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of and under the corporate seal of the City all such instruments, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the initial sale and delivery of the Certificates, the Paying Agent/Registrar Agreement, and the Official Statement. In addition, prior to the initial delivery of the Certificates, the Mayor, the City Manager or Director of Finance of the City, and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies, or (iii) obtain the approval of the Certificates by the Attorney General of Texas. In the event that any officer of the City whose signature shall appear on any certificate shall cease to be such officer before the delivery of such certificate, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 13.03. Severability.

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance is held to be invalid or unenforceable, the remainder of this Ordinance and the application of such section, article, paragraph, sentence, clause, phrase or word to other persons and circumstances nevertheless shall be valid and enforceable; and it is hereby declared that this Ordinance would have been enacted without such invalid or unenforceable provision.

ARTICLE XIV

PAYMENT OF ATTORNEY GENERAL FEE

Section 14.01. Payment of Attorney General Fee.

The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Certificate or (ii) \$9,500, for each series provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Certificate.

[Execution Page Follows]

In accordance with Section 1201.028, Texas Government Code, PASSED AND APPROVED on first and final reading on this October 22, 2013.

ATTEST:

City Secretary, City of Bastrop, Texas

[CITY SEAL]

EXHIBIT "A"**WRITTEN PROCEDURES RELATING TO CONTINUING COMPLIANCE WITH FEDERAL TAX COVENANTS**

A. Arbitrage. With respect to the investment and expenditure of the proceeds of the Bonds, Notes, Certificates, Leases or other Obligations now or hereafter outstanding as having the interest on such debt exempt from Federal income taxes of the debt holder (the "Obligations") the Issuer's City Manager or Director of Finance (the "Responsible Person") will, as applicable to each issuance of Obligations:

- instruct the appropriate person or persons that the construction, renovation or acquisition of the facilities must proceed with due diligence and that binding contracts for the expenditure of at least 5% of the proceeds of the Obligations will be entered into within 6 months of the Issue Date;
- monitor that at least 85% of the proceeds of the Obligations to be used for the construction, renovation or acquisition of any facilities are expended within 3 years of the date of delivery of the Obligations ("Issue Date");
- restrict the yield of the investments to the yield on the Obligations after 3 years of the Issue Date;
- monitor all amounts deposited into a sinking fund or funds, e.g., the Debt Service Fund/Bond Fund/Interest and Sinking Fund, to assure that the maximum amount invested at a yield higher than the yield on the Obligations does not exceed an amount equal to the debt service on the Obligations in the succeeding 12-month period plus a carryover amount equal to one-twelfth of the principal and interest payable on the Obligations for the immediately preceding 12-month period;
- ensure that no more than 50% of the proceeds of the Obligations are invested in an investment with a guaranteed yield for 4 years or more;
- assure that the maximum amount of any reserve fund for any Obligations invested at a yield higher than the yield on the Obligations will not exceed the lesser of (1) 10% of the principal amount of the Obligations, (2) 125% of the average annual debt service on the Obligations measured as of the Issue Date, or (3) 100% of the maximum annual debt service on the Obligations as of the Issue Date;
- monitor the actions of the escrow agent (to the extent an escrow is funded with proceeds) to ensure compliance with the applicable provisions of the escrow agreement, including with respect to reinvestment of cash balances;
- maintain any official action of the Issuer (such as a reimbursement resolution) stating its intent to reimburse with the proceeds of the Obligations any amount expended prior to the Issue Date for the acquisition, renovation or construction of the facilities;
- ensure that the applicable information return (e.g., IRS Form 8038-G, 8038-GC, or any successor forms) is timely filed with the IRS;
- assure that, unless excepted from rebate and yield restriction under section 148(f) of the Code, excess investment earnings are computed and paid to the U.S. government at

such time and in such manner as directed by the IRS (i) at least every 5 years after the Issue Date and (ii) within 30 days after the date the Obligations are retired.

B. Private Business Use. With respect to the use of the facilities financed or refinanced with the proceeds of the Bonds the Responsible Person will:

- monitor the date on which the facilities are substantially complete and available to be used for the purpose intended;
- monitor whether, at any time the Obligations are outstanding, any person, other than the Issuer, the employees of the Issuer, the agents of the Issuer or members of the general public has any contractual right (such as a lease, purchase, management or other service agreement) with respect to any portion of the facilities;
- monitor whether, at any time the Obligations are outstanding, any person, other than the Issuer, the employees of the Issuer, the agents of the Issuer or members of the general public has a right to use the output of the facilities (e.g., water, gas, electricity);
- monitor whether, at any time the Obligations are outstanding, any person, other than the Issuer, the employees of the Issuer, the agents of the Issuer or members of the general public has a right to use the facilities to conduct or to direct the conduct of research;
- determine whether, at any time the Obligations are outstanding, any person, other than the Issuer, has a naming right for the facilities or any other contractual right granting an intangible benefit;
- determine whether, at any time the Obligations are outstanding, the facilities are sold or otherwise disposed of; and
- take such action as is necessary to remediate any failure to maintain compliance with the covenants contained in the Order related to the public use of the facilities.

C. Record Retention. The Responsible Persons will maintain or cause to be maintained all records relating to the investment and expenditure of the proceeds of the Obligations and the use of the facilities financed or refinanced thereby for a period ending three (3) years after the complete extinguishment of the Obligations. If any portion of the Obligations is refunded with the proceeds of another series of tax-exempt obligations, such records shall be maintained until the three (3) years after the refunding obligations are completely extinguished. Such records can be maintained in paper or electronic format.

D. Responsible Persons. Each Responsible Person shall receive appropriate training regarding the Issuer's accounting system, contract intake system, facilities management and other systems necessary to track the investment and expenditure of the proceeds and the use of the facilities financed with the proceeds of the Obligations. The foregoing notwithstanding, the Responsible Persons are authorized and instructed to retain such experienced advisors and agents as may be necessary to carry out the purposes of these instructions.

EXHIBIT "B"**DESCRIPTION OF ANNUAL FINANCIAL INFORMATION**

The following information is referred to in Article XII of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Official Statement referred to) below:

1. The portions of the financial statements of the City appended to the Official Statement as Appendix B, but for the most recently concluded fiscal year.
2. Statistical and financial data set forth in Tables 1 through 5, inclusive, and 7 through 11, inclusive.

Accounting Principles

The accounting principles referred to in such Article are the accounting principles described in the notes to the financial statements referred to in Paragraph 1 above.

DRAFT

**PROPOSED PROJECTS
FOR POTENTIAL ISSUANCES
OF
CERTIFICATE OF OBLIGATIONS
For the City of Bastrop – General Fund
September 3, 2013
Revised 9-4-13**

Road Way/Street, Drainage Improvements--- [Contract for Construction]

➤ Farm Street: Fayette to Church:	\$500,000.00
▪ Total	\$500,000.00
➤ Chambers Street: Cedar to Hawthorne:	\$425,000.00
• Drainage	\$ 50,000.00
• Contingency 10%	\$ 47,500.00
• Engineering 12%	<u>\$ 62,500.00</u>
▪ Total	\$585,000.00
➤ Pecan Street: RR Track to Linden:	\$213,000.00
• Lite Drainage work	\$ 10,000.00
• Contingency 10%	\$ 22,000.00
• Engineering 12%	<u>\$ 20,000.00</u>
▪ Total	\$265,000.00

Street Department – Street Improvements

➤ Equipment for the Street Department:	\$400,000.00
➤ Street repair – In-house	<u>\$300,000.00</u>
▪ Total	\$700,000.00

➤ Bridge inspection	\$50,000.00
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➤ TOTAL:	<u>\$2,100,000.00</u>
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Additional Water Supply/Infrastructure Improvements for the City of Bastrop

The cost developing and bring additional water supply to the City of Bastrop is going to be expensive.

Total Cost: \$1,375,000.00

Alley "D" Infrastructure and Parking Improvements

Infrastructure, Drainage and Parking Improvements to Alley "D".

Total Cost: \$690,000.00

Extension of Hasler Blvd./ Angas Street or Related Street Constuction

Construction Regarding the extension of Hasler Blvd./Angas Street or Related Street Construction Projects.

Total Cost: \$335,000.00

Total of City of Bastrop 2013 Proposed Issuances of Certificates of Obligation: \$4,500,000.00

CITY OF BASTROP

AGENDA ITEM: **D-6**STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 18, 2013MEETING DATE: October 22, 2013

1. Agenda Item: CONSIDERATION, DISCUSSION POSSIBLE ACTION APPROVING A RESOLUTION ENACTING A 180-DAY MORATORIUM ON THE PROHIBITION OF AND CODE ENFORCEMENT ACTIONS AGAINST BREWERIES AND WINERIES, HOLDING EITHER A CURRENT AND VALID TEXAS ALCOHOL AND BEVERAGE COMMISSION TYPE "G" OR TYPE "B" PERMIT, FOR SUCH BUSINESSES OPERATING WITHIN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF BASTROP, TEXAS; PROVIDING FOR EXPIRATION OF THE MORATORIUM; AND PROVIDING AN EFFECTIVE DATE.

2. Party Making Request: Michael H. Talbot

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

Attached for City Council review and consideration is a "Resolution" creating a 180 day "Moratorium" which in effect would allow for the operation of "Wineries and Breweries" in the area zoned Central Business District, for period not exceed a 180 days. The Main Street Advisory Board has previously recommended that wineries and breweries be allowed to operate in the area recently designated as Culinary District which is located in the area zoned Central Business District. The City staff and I along with the City Attorney have working on this matter and what will be required to allow for wineries and breweries to operate in the area zoned Central Business District. It has been determined that several City ordinances/documents/materials will need to revised/updated to allow wineries and breweries to operate in the area zoned Central Business District. After considerable discussion with the City Attorney we we're both in agreement that it will take some time create the revised ordinances and associated materials to allow for the operation wineries and breweries. We're suggesting that in the interim that the attached resolution be approved to allow for the time necessary to prepare a complete packet to be presented to the City Council. This will allow the Council to the time review all the materials associated with this matter in its entirety. The resolution would create a moratorium while putting together the necessary materials/documents for review by the City Council. This moratorium has specific time frames and should anyone open or operate a winery and/or a brewery during this moratorium they do so at their own risk, should the City Council decided not to go forward to revise the necessary ordinances/materials to allow for the operation of winery or brewery in the Central Business District.

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:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Action Taken: _____

RESOLUTION NO. _____

A RESOLUTION ENACTING A 180-DAY MORATORIUM ON THE PROHIBITION OF AND CODE ENFORCEMENT ACTIONS AGAINST BREWERIES AND WINERIES, HOLDING EITHER A CURRENT AND VALID TEXAS ALCOHOL AND BEVERAGE COMMISSION TYPE "G" OR TYPE "B" PERMIT, FOR SUCH BUSINESSES OPERATING WITHIN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF BASTROP, TEXAS; PROVIDING FOR EXPIRATION OF THE MORATORIUM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at this time, in accord with Sec. 4.02.008(a)(1)(3) of the Bastrop Code of Ordinances, the on-premises consumption and sale of beer and wine in the Central Business District is allowed only in food service establishments that derive less than fifty (50) percent of their gross revenue from the on-premises consumption of alcoholic beverages; and

WHEREAS, it has come to the attention of the City that an owner of a winery, that holds a current, valid Texas Alcohol Beverage Commission ("TABC") type "G permit," is seeking to open a production and sales business, including in its operation the sale of wine for both on-site and off-site consumption, in the City's Central Business District, which business will not be in compliance with the City's current Code of Ordinances; and

WHEREAS, it has come to the attention of the City that the 'Bastrop Brew House', that holds a current, valid TABC type "B/BP permit", has been brewing, producing and selling for both on-site and off-site consumption, beer brewed at its downtown location, in the Central Business District, since on or around August 2012, which is in violation of the City's current Code of Ordinances; and

WHEREAS, upon the strong recommendation of the Main Street Board, in August 2013, the City Council of Bastrop formally resolved to designate the Central Business District of the City of Bastrop as the "***Bastrop Culinary District***," making this area of the community the first formally identified culinary district in the State of Texas, and only the second in the United States; and

WHEREAS, at the urging of the Main Street Board, and others who view the operation of wineries and breweries to complement and enhance the businesses located in the "***Bastrop Culinary District***," (i.e., the Central Business District), the City Council has determined that it should now carefully and thoroughly evaluate the effect, both positive and potentially negative, of the proposed and/or ongoing operation of breweries and wineries, that hold a valid type "G permit" or type "B permit" from the TABC, in the Central Business District and, further, that it should also assess a potential amendment to the current Code of Ordinances that would be required, should it determine that such operations of wineries and breweries in the Central Business District would provide economic benefits and growth in development, vitality of downtown, and culinary tourism in

Bastrop, with no appreciable detriment to the existing businesses and others located in that District; and

WHEREAS, City staff is reviewing and evaluating: 1) Bastrop's alcoholic beverage and zoning Ordinances; 2) such operations in similarly situated cities in Texas, and 3) the potential benefits and concerns related to having breweries and wineries located in downtown Bastrop, (including evaluation of such matters as: trash removal related to this type of manufacturing operation, traffic congestion, effect on the City's culinary, tourism, and aesthetic experiences, and on the overall safety and appearance of Main Street and other Central Business District locations), and staff is anticipating that it will be able to report its findings to the City Council regarding same within one-hundred-twenty (120) days of passage of this Resolution; and

WHEREAS, because additional time is needed for City staff to conduct its research and prepare to report to the Council, and for Council to, then, evaluate and determine the future course of action, if any, it desires to take related to the operation of breweries and wineries with applicable TABC permits, in the Central Business District, the City Council has determined that it is in the best interest of the public health, safety and welfare for it to institute this temporary, one-hundred eighty (180) day, moratorium on the current prohibition against the location of such wineries and breweries in the Central Business District, in violation of City Code, Sec. 4.02.008, *et seq.*

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

PART 1: The City of Bastrop hereby declares a temporary, 180 day, moratorium on the current prohibition against the 'on-premises sale, production, and consumption of beer and wine' in the Central Business District, **when such operations are undertaken by wineries and breweries that hold a current, valid type "G permit" and/or type "B permit" from the TABC**, pursuant to Sec. 4.02.008 of the Bastrop City Code of Ordinances.

PART 2: Notwithstanding the terms of the Moratorium approved by Council as detailed herein, all other provisions of the Bastrop Code of Ordinances, State and local rules and regulations, and TABC licensing rules shall apply in the City of Bastrop, to all persons, entities and businesses, including to the persons, entities and businesses that are or will be in violation of the City Code, save for this moratorium.

PART 3: All entities currently operating in the Central Business District that hold a current, valid TABC issued type "G permit" and/or type "B permit", but which are operating in violation of Sec. 4.02.008 of the City's Code of Ordinances, shall be permitted to continue operating during the term of this Moratorium, so long as they execute an agreement with the City stating that the owner(s) and operator(s) of such establishment(s) acknowledge and agree that this Moratorium does not, in any way, confer any future contractual or property rights, or otherwise guarantee the City Council's future approval of any changes to the City's Code of Ordinances that might, ultimately, allow a permanent

operation of their businesses in the Central Business District of the City. In addition, the owner(s)/operator(s) shall agree to hold the City harmless and waive any and all claims and/or liabilities against the City related to the businesses' operation, in violation of the current Code of Ordinances during the term of this Moratorium, or thereafter.

PART 4: This Moratorium shall, in no way, effect or allow alteration of the operations, nor shall it excuse from compliance with all applicable City Codes and regulations, any other business located and operating in the City of Bastrop, Texas, including the Central Business District. This Moratorium does not negate nor shall it delay enforcement of the City's Code of Ordinances, except as they apply ***solely*** to wineries and breweries currently holding valid a TABC type "G permit" and/or type "B permit," and which are located in the City's Central Business District.

PART 5: This Moratorium shall be effective commencing at midnight on October 22, 2013, and shall expire at midnight on March 25, 2014, (i.e., ± 180 days), unless extended by the City Council, in its sole discretion.

PART 6: The purpose of this Moratorium is to provide additional time for the City to review its current Code of Ordinances related to the permitted locations for operations of wineries and breweries, in light of recent changes in the City's economy, tourism, and the recent designation of the Central Business District as the "Bastrop Culinary District," by the City Council.

PART 7: The Council finds that the safe, orderly, economic growth and development of the City requires it to evaluate the consumption, production, and sale of beer and wine, in licensed breweries and wineries, located in the Central Business District, in order to protect the health, safety and welfare of the public, which makes this Resolution immediately effective upon its passage.

RESOLVED AND APPROVED BY THE BASTROP CITY COUNCIL ON THE ____ DAY OF OCTOBER, 2013.

APPROVED:

ATTEST:

Terry Orr, Mayor

Elizabeth Lopez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, Esq.
City Attorney

