

TO: Honorable Mayor and Members of the City Council
From: Paul A. Hofmann, City Manager
Date: January 28, 2022
Subject: Weekly Memo, January 23 – January 28, 2022



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Personnel Updates

John Jacob Gomez passed his TCEQ (Texas Commission on Environmental Quality) Class C Ground Water Treatment Operator license exam and was promoted to Water and Wastewater Operator C on Thursday, January 27.

State of the City Video

Here's a link to the video we presented during the January 25 Council Meeting <https://youtu.be/7fp8BQMVDcU>

Drainage Public Meeting January 26

Around 15 people (not including staff and consultants) attended the meeting on the Drainage Master Plan project currently underway. The meeting included a presentation from the consultant on the scope and schedule for the study and a question-and-answer period. The public is encouraged to respond to a questionnaire to point out specific areas of concern that could be addressed with projects to be recommended by the study. The questionnaire was available at the meeting, on the city's website, and

is available here: https://www.surveymonkey.com/r/BastropDMP?Attendeeld=%5BAttendeeld_value%5D

Thank you, Mayor Schroeder, for attending.

Planning and Zoning Commission Meeting of January 27

The Planning & Zoning Commission considered recommendations on three items related to the Bastrop Colorado Bend (Line 204 Film Studio) at their regular meeting on Thursday, January 27, 2022. These three items, along with the request to annex the first phase of the project (312.591 acres) will be presented for action at the February 22, 2022, and March 8, 2022, City Council meetings.

- Comprehensive Plan Amendment to change the Future Land Use Map designation from Rural Residential to Industry for the first phase. This amendment is needed prior to changing the Place Type zoning district for the property to Place Type Employment Center (P-EC) so the rezoning is in compliance with the Comprehensive Plan. The P&Z voted 3-2 to recommend approval. The main concern was that Industry sounded like too intense of a use. Industry is the Future Land Use Character Area that allow P-EC zoning.
- Transportation Plan Amendment to amend the Thoroughfare Master Plan to realign the Primary Multimodal Street and bridge connection to the edge of the owner's property, rather than through the middle of the property. This would also remove the local street grid requirements on the first phase. A motion was made to recommend approval with the condition that the location of the

bridge be revised not to impact any existing homes but did not move forward due to lack of a second. The primary concern is that the new location of the Primary Multimodal Street would require removal of a house at the south end of the street with the new location of the bridge.

- Zoning Concept Scheme to change the base Place Type Zoning District from P-2 Rural (default district with annexation) to P-EC Employment Center for the first phase. The P&Z voted 4-1 to recommend approval of the ZCS. Most of the discussion revolved around the proximity of the sound stages, office, and warehouses to the neighborhood on the east side of the property and the temporary sound stage closer to the river which was previously labeled as an amphitheater in the Development Agreement. The main concern was about potential sound and light spill over. Staff stated that our codes regulate both noise and light and the property owner has indicated that none of their activities should violate our existing regulations. There are no standards or requirements in the code to perform a “sound study” on any development or use in city codes.

The B³ Code requirements for the Planning & Zoning Commission require 5 affirmative votes of the members to make a recommendation to City Council. The three items above will be forwarded to City Council with no recommendation from P&Z.

Park Bench Memorial



Parks personnel worked on the installation of a Memorial bench, in memory of Larry Kay Goodrich, Donated by Mr. Goodrich’s family on the Riverwalk. The spot chosen was in perfect memory of Larry and his love of water and fishing.

Lane Closure

On Tuesday February 1 the eastbound Frontage Road Outside (Right) Lane will be closed from the Colorado River Bridge to just east of the Lover’s Lane Connector turnoff.

The Lover’s Lane Connector will be closed during this time also. Eastbound traffic wanting to turn on Lover’s Lane will need to detour to SH 95 and take the U-turn back to the westbound frontage to go back to Lover’s Lane.

The closure will begin at 9:00 am and is scheduled to last until 3:00 pm.

Time out of Office

I'm cancelling (or postponing) the trip my wife and I had planned the week of February 14. We may plan a long weekend, but otherwise I'll be around that week.

Future Agenda Items

February 8, 2022

- Black History Month proclamation
- Presentation to acknowledge the service of Mayor Pro Tem Lyle Nelson
- Loop 150 Corridor/Old Iron Bridge professional services
- Economic Development Policy Direction
- Award Grant Administrative Service and engineering services, for FEMA Hazard Mitigation application
- First Quarter Report

February 22, 2022

- Receive FY 2021 Audit
- Contract for inspection services
- Public hearing related to annexation- Bastrop Colorado Bend
- Public hearing to amend Future Land Use Map – Colorado Bend
- Public hearing to amend Transportation Plan – Colorado Bend
- Colorado Bend Zoning Concept Scheme
- Public hearing to amend Master Thoroughfare Plan/Street Grid – Colorado Bend

Attachments

- TML Legislative Update Number #04



Legislative UPDATE

January 28, 2022
Number 4

Mandatory Eminent Domain Reporting Closes February 1

Legislation passed in 2015 requires cities to annually fill out a web-based form with the comptroller relating to each city's statutory eminent domain authority. Instructions for reporting can be found [here](#). The three-month reporting period began on November 1, 2021 and closes on **February 1, 2022**. However, reports may be updated at any time throughout the year. The failure to fill out the form could result in a maximum \$2,000 penalty against a city.

The entry should be, for almost every city, an update of previously filed information, including whether the city exercised its eminent domain authority in the preceding calendar year by filing a condemnation petition under Section 21.012, Property Code. This was clarified to some degree for certain cities by legislation that passed in 2021. [S.B. 157](#) provides that—for cities under 25,000 population—an annual report must be filed only if the city's eminent domain authority information has changed from the previous year. If the city's information has not changed from the previous report, the city must use the comptroller's reporting tool to confirm the accuracy of the previous information by electronically updating the filed report with the comptroller. Of course, any city that never filled out the form as required should do so now.

City officials with questions about the requirements can contact the comptroller's transparency team by email at transparency@cpa.texas.gov or (844) 519-5676.

Deadline Approaching for SWIFT Applications

The Texas Water Development Board (TWDB) application period of the 2022 funding cycle of the State Water Implementation Fund for Texas (SWIFT) program is set to close on February 1, 2022. Abridged applications may be submitted via the TWDB's [online application system](#) or by [paper copy](#). Projects must be recommended in the [2022 State Water Plan](#) to be eligible for SWIFT program financial assistance.

The SWIFT program helps communities develop and optimize water supplies at cost-effective rates. The program provides low-interest financing, extended repayment terms, deferral of repayments, and incremental repurchase terms for projects with state ownership aspects. It also includes additional interest rate subsidies for rural and agricultural projects.

For more information on the SWIFT program and how to apply, please visit the [TWDB website](#).

American Rescue Plan Act: Using SLFRF Allocation to Replace Lost Revenue

As highlighted in a [previous issue](#) of the *Legislative Update*, the U.S. Department of the Treasury issued the [final rule](#) for the State and Local Fiscal Recovery Funds (SLFRF) program, enacted as a part of the American Rescue Plan Act, on January 6, 2022. Of particular interest to many cities is the final rule's streamlining of the ability of cities to use SLFRF dollars to replace lost public sector revenue due to the pandemic.

The final rule provides that recipients of SLFRF dollars, including cities, may use the revenue to pay for "government services" in an amount equal to the revenue lost by the city due to the pandemic. How does a city calculate the amount of revenue lost? The final rule adopted by Treasury provides two options.

The first option available to a city, which was not present in the interim rule, authorizes a city to elect a "standard allowance" of \$10 million to spend on government services through the period of performance. (Note: the "period of performance" under the rules spans from March 3, 2021 through December 31, 2024.) Under this option, Treasury assumes that \$10 million was lost in city revenue due to the pandemic. Treasury adopted this simplified option to streamline the determination of revenue loss for SLFRF recipients, with an eye specifically towards assisting smaller local governments with the calculation. The second option allows a city to calculate its actual revenue lost due to the pandemic using a specific formula spelled out in the final rule.

Because a city may spend up to the amount determined for revenue loss on government services, a city that selects the \$10 million allowance to determine revenue lost may spend up to a maximum of \$10 million on government services, though a city may not spend more than its award amount. This means that cities receiving less than \$10 million in funding have the discretion to use the entirety of their award amount to pay for governmental services. As described in [Treasury's overview of the final rule](#), the term "governmental services" is broadly defined in the final rule to

generally include any service traditionally provided by government. A non-exhaustive list of governmental services include:

- Construction of schools and hospitals
- Road building, maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- Environmental remediation; and
- Provision of public safety services, including the purchase of fire trucks and police vehicles

It should be pointed out that SLFRF awards spent on governmental services due to lost revenue are subject to streamlined reporting and compliance requirements. Additionally, recipient cities retain the ability under the final rule to spend SLFRF allotments on other eligible use categories, including supporting the COVID-19 public health and economic response, providing premium pay to certain eligible workers, and spending on water, sewer, and broadband infrastructure. There are also restrictions on use of the funds in the final rule, including for instance, prohibiting SLFRF revenue from being used to offset a reduction in tax revenue due to a tax cut. More details on eligible uses and restrictions can be found in the final rule and Treasury's overview of the rule, both linked above.

This week, the National League of Cities posted [an article](#) pointing out several beneficial provisions included in Treasury's final rule on the SLFRF, including the \$10 million lost revenue allowance.

FEMA's Technical Assistance Program

The Federal Emergency Management Agency (FEMA) has created the [Building Resilient Infrastructure and Communities](#) (BRIC) Direct Technical Assistance program to help smaller communities and those with less staff capacity with free advice and support.

The BRIC program supports cities as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards. The BRIC Direct Technical Assistance program seeks to help eligible communities in the navigation of BRIC and other resilience grant funding. [A letter of interest](#) for the program is due on January 28, 2022. The free technical assistance will last for up to 36 months. Interested cities may email a letter of interest to include [certain information](#) but no more than two pages to FEMA-BRICDirectTechnicalAssistance@fema.dhs.gov.

Don't Forget: Mandatory Hotel Occupancy Tax Reporting

The 50-day window for reporting local hotel occupancy tax information opened January 1, 2022. The reporting deadline is **February 20, 2022**.

Tax Code Section 351.009 requires cities to file an annual report with the comptroller that includes the city's hotel occupancy tax rate, the amount of revenue generated by the tax, and the amount and percentage of the revenue spent for each of the following purposes:

- Convention or information centers
- Convention delegates registration
- Advertising to attract tourists
- Arts promotion and improvement
- Historical restoration and preservation projects
- Signage directing the public to sights and attractions

Cities have two reporting options: (1) use the comptroller's [online reporting form](#) to submit all required information; or (2) clearly post and maintain all required information on the city's website and provide the comptroller's office with a link to the information. For cities selecting the second option, the comptroller provides an [optional format template](#) to post on the city's website.

For more information, see the comptroller's hotel occupancy tax reporting [webpage](#) or contact the comptroller's transparency team by email at transparency@cpa.texas.gov or (844) 519-5676.

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