

To: Honorable Mayor and Members of the City Council
From: Paul A. Hofmann, City Manager
Date: May 20, 2022
Subject: Weekly Memo, May 16 – May 20, 2022



Upcoming Training

Below are future training opportunities. If you are interested in attending any of the trainings, please notify the City Secretary and she will take care of the registration for you.

TML – Build Effective City Council Relationships

Date: June 9, 2022
Time: 10:00-11:00 a.m.
Location: Webinar

TML Budget and Tax Rate Workshops

Date: June 30, 2022
Time: 8:30 a.m. – 2:30 p.m.
Location: Bastrop

TML-TAMCC Newly Elected City Officials' Orientation

Date: August 11, 2022 - August 12, 2022
Time: All Day
Location: San Antonio

Broadband Feasibility Study

Council Member Kirkland has submitted his questions on the feasibility study provided by our consultant Schneider Engineering. Mr. Pettigrew of Schneider Engineering greatly appreciates those questions and is developing a response, and refined suggestions on how to proceed.

Mr. Pettigrew is scheduled to present the feasibility study to the Bastrop Economic Development Corporation on June 20.

Texas Municipal League Policy Summit

Mayor Schroeder has been asked to chair the Municipal Policy Summit to be held in August. The Summit is an important element of the process used by the Texas Municipal League to develop a legislative program. Summits are held during the summer of each even-numbered year. Participants are appointed by the TML President. During the Summit participants are briefed on issues faced by cities and will be asked to make recommendations, in resolution form, on those issues. The recommendations are considered for approval by the membership at the TML Annual Conference.

This is important work, and Mayor Schroeder's selection as chair is a high honor.

Farm Street Opry

The Farm Street Opry will be held on June 2. Please join us for an entertaining night of great music, fun, and fellowship. Doors open at 5:30 p.m. and the show starts at 7:00 p.m.

Overheard at City Hall

In this episode of the Official Podcast of the City of Bastrop, Paul goes to court! Bastrop Municipal Court Administrator Kim Walters talks with host Paul A. Hofmann about the ins and outs of Bastrop Municipal Court. Join us for this fun and informative conversation! Find the podcast on Spotify, Apple Podcasts, or on the City of Bastrop website here: https://www.cityofbastrop.org/page/city_podcast

Main Street Now Conference

The Community Impact Manager attended the National Main Street Now Conference in Richmond, Virginia on May 15 through May 18. The conference focused on themes around Main Streets for the New Economy, Community Preservation and Expression, and Housing and Small-Scale Development, as well as perennial downtown and commercial district management topics guided by the Main Street Approach. Below is a photo of some of the Texas Main Street leaders exploring Historic Downtown Richmond.



Future Agenda Items

June 14, 2022

- Public Hearing and action on amendments to water/wastewater impact fees
- Consider amendments to Council Focus Areas

June 28, 2022

- Public Hearing and Action on Hunters Crossing PID service plan and assessment levy

- Consider amendments to Council Rules of Procedure

July 12, 2022

- Presentation from organizations applying for FY2023 Community Support funding

July 26, 2022

- Submittal of City Manager's proposed FY 2023 Budget
- Presentation on Solid Waste Contract

Attachments

- Broadband Feasibility Questions submitted by Council Member Kirkland
- June 2, 2022, Farm Street Opry
- Bastrop YAC – Mural project
- TML Legislative Report #20

From: John Kirkland <jkirkland@cityofbastrop.org>
Sent: Tuesday, May 17, 2022 1:31 PM
To: Paul Hofmann <phofmann@cityofbastrop.org>
Subject: My comments and questions on the broadband feasibility study

Hi, Paul,

These are my notes, comments, and questions regarding the broadband feasibility study.

Overall comments:

This feasibility study relies on 3 basic models:

1. Number of potential customers
2. % of the potential customers that may be converted
3. Lease rates per mile for ISPs or other parties renting the fiber

There are material gaps in each of the models that impact their accuracy, and there is one important model missing, which is where are there gaps in existing corporate, ISP networks where they may choose to rely on our fiber rather than continue to build out their respective networks.

Next, if the city offers middle mile service, it's not clear to me how this fixes the issues where service is already available in the middle mile, but the ISPs want 20k to 80k to run the network down a street or up a driveway in a rural area. I know of 4 rural cases of friends/family without existing service today, and our plan wouldn't help 3 of them because of this last-mile issue.

I would strongly advocate for overlaying the planned network locations and power poles served with the existing network from ATT, planned Suddenlink, Spectrum, and any other providers in our area. We can get data from the providers themselves as to locations served and/or we can ask for real pole data from City of Bastrop and Bluebonnet Electric. This may help us build out a model on which neighborhoods in our planned area lack broadband today.

Last, we may have costs for the following items that don't seem to be considered in the models:

- bluebonnet pole access rate or cost
- replacements of bluebonnet poles that do not have sufficient capacity for this new fiber
- cost for connection to or usage of existing coax networks
- actual replacement cost for City of Bastrop poles that will require significant "make ready". The model assumes 40%, and we can validate if this is high or low based on actual data.

I have specific questions that I wrote in the margins as I read the document, and I listed these below:

Comments / Questions on individual pages

Page	Type	Question/Comment
n/a	Question	When a developer files a plan to develop a large residential area, to what extent are utilities specified in that plan, and is Internet access required as part of that plan. If Internet access is not required as part of the neighborhood plan, can council require it as a matter of policy?
6	Question	Regarding 89.5% of Bastrop City households having a broadband internet subscription, how many of the remaining 10.5% have access to at least 25/3 service?
6	Question	What percentage of Bastrop City households have access to the recent Public Utility Commission level of 100/10?
6-7	Comment	25/3 service, if consistent and stable, is sufficient for nearly all educational, work, and personal needs except mass downloads and streaming multiple 4k Ultra-HD movies. One can stream 5 Netflix HD movies simultaneously (each one is 5Mbps) with 25 down. There may be issues where 25 is insufficient is due to poor infrastructure making it perform at rates significantly lower than 25/3. I'm mostly concerned with 2 things in the area of broadband: where is the infrastructure not delivering the service that the customer thinks they are paying for and where is service not available at all?
7	Comment	Please add Starlink at 100-200Mbps at \$100 per month. Availability is freeing up in Bastrop County right now (I've installed one with a friend in the past few weeks), and is planned to open up as additional satellites are deployed.
8	Question	How many of the 3,624 responses to the Residential Broadband and Technology Survey were in the areas that would be served by this plan? City + Statutory ETJ?
8	Comment	I disagree that the responses to the broadband survey lead to the conclusion that "we can assume that penetration rates in a new fiber network could have the potential to be higher than 40%". We would need the survey responses for the city + ETJ service area only PLUS additional map overlap information from all other providers (ATT, SuddenLink, T-Mobile 5G Internet, StarLink, and Spectrum) now and planned for the 2 year timeframe to model potential penetration rates. Also, if the city were to go with the Phase 2, middle mile plan, none of these estimated customers would be customers of the city of Bastrop -- instead, the ISPs would be the customers of Bastrop. There is no data here to indicate how much of the planned service

		area is already served by these ISP providers and whether the ISPs would have a need for or choose to use the fiber network if it was built.
10	Comment	"The City of Bastrop has a compelling case given that the City is underserved by the PUC definition. There are very few internet providers available within the city limits". This statement is not backed by data presented in this report.
11	Question	When referring to 288-fiber connection or in later pages a 96-strand network, is this 288/96 pairs or 144/48 pairs?
15	Question	"...as well as each electric system route location serviced by Bluebonnet Electric Cooperative in the City's ETJ". Is Bluebonnet amenable to this plan? What will Bluebonnet charge us on a one time and recurring basis for the use of their poles? What percentage of Bluebonnet poles already have existing internet service and/or will need to be replaced to support this new requirement? I'm suggesting that we need to get these estimates from Bluebonnet.
15	Question	Regarding Bluebonnet poles in the city's ETJ. What about their poles outside the city's ETJ? I'm guessing this is where the gap in internet availability lines in Bastrop County (based only on the instances where I'm aware of no present internet availability). Can we build into those non-ETJ areas? Can they build into those non ETJ areas and connect to our network? What would this look like from an agreement and revenue standpoint.
15	Question	there is a possibility mentioned to reduce costs by reusing existing coax network infrastructure. Where is this existing coax network on the map, and who currently owns it? If owned by private companies, what arrangement allows us to connect to it? Also, is it true that most or all of these coax network installations already have broadband service today?
15	Question	The county has some dollars that they may spend on broadband adoption in the outer areas that have no service. How does that work interact with this work, if at all, or does that work create new competition for the city's broadband initiative in the ETJ?
18	Comment	Option 2: Private Company Last Mile and ISP refers to the City of Bastrop being an underserved area. This statement is not backed by facts presented in the document.
20	Question	The revenue model for the middle mile fiber ring assumes 100 customers per strand pair. Is this a typical number of customers that can be served? Are we to assume that 288 pairs/strands in the fiber ring can service 28,800 customers total?

21	Comment	Without a lease rate backed by factual lease estimates, evidence that an existing ISP (ATT, others...) would choose to use it, and real GIS-level data to demonstrate where city residents don't currently have service, we cannot estimate debt payback. This is a fatal flaw.
23	Comment	Risk of revenue model -- "Overstated lease payments." This risk is part of the fatal flaw that I mentioned in the previous comment.
24	Comment	"in a more realistic case scenario, where there is a 40% subscription rate." This statement is not backed by data currently available in the report. We would need to understand which poles/neighborhoods have broadband service and which poles/neighborhoods will have service in the next 2 years PLUS factor in 5g wireless offerings and StarLink to estimate a subscription rate.
26	Comment	"Certain communities, especially those in rural areas, may confront significantly higher deployment costs due to low population density, lengthier middle-mile networks, or challenging terrain." This is the primary reason that 3 out of 4 instances in Bastrop County that I'm aware of do not have internet service. The middle mile is already on the street, but the ISP won't run the last mile without a 20k-80k additional charge. If we don't have a way to fix this last mile issue, we won't end up with solving the lack of internet access in the rural areas.

Best Regards,

John Kirkland

Council Member

City of Bastrop

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1311 Chestnut Street, Bastrop, Texas 78602

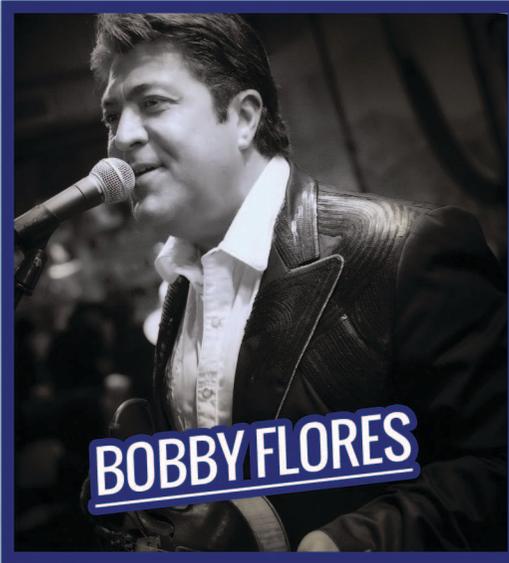
FIRST THURSDAY OF EACH MONTH - THE CITY OF BASTROP PRESENTS

THE FARM STREET OPRY

JUNE 2ND, 2022

Featuring Guest Performances by...

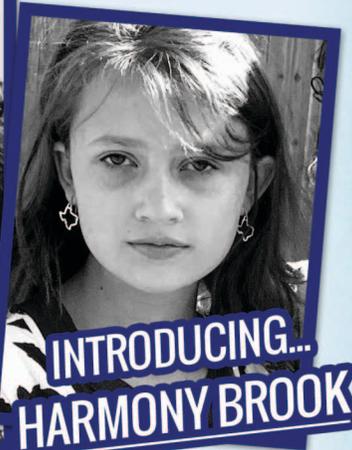
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KELSEY & CANDICE



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\$7.50 admission
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Bastrop Youth Advisory Council 2022 Mural

City of Bastrop, Texas

****Application Deadline: July 15th 2022****

The Bastrop Youth Advisory Council is a group of 12 students from Bastrop High School, Cedar Creek High School, and the Colorado River Collegiate Academy who are an advisory board for the Bastrop City Council. They are working on a special project to promote downtown Bastrop and cultivate a connection to the community. They want to create a mural on the wall of 1112 Main Street, Bastrop TX, 78602 in downtown Bastrop and are looking for artists to compete in the process! The Council is looking for a statement piece that encompasses what Bastrop truly means to its youth.

Bastrop, Texas is a unique blend of old and new. Established in 1832 and nestled on the banks of the Colorado River, in the heart of the Lost Pines region, the Bastrop historic district offers a delightful selection of shops, restaurants and opportunities for unique experiences. Nearby neighborhoods have over 100 historic homes, many beautifully restored. A Texas Main Street City since 2007, Bastrop was also named a Distinctive Destination in 2010 by the National Trust for Historic Preservation in recognition of the City's work to preserve its historic character, promote heritage tourism and extend its welcome. It also holds certifications as a Bird City, Tree City, Music-friendly City, and Film-Friendly City.

The 2022 Bastrop Youth Advisory Council mural is a one-time art mural located in downtown Bastrop targeting youth engagement and directive. This visible and accessible mural exhibition will serve as an art destination for the residents, as well as visitors to the area. Viewers will have an opportunity to appreciate and be inspired by the variety, artistry, and creativity unique to this exhibition. The submissions will be selected through a juried process of Youth Advisory Council Members. This mural should encompass the atmosphere of Bastrop, which will include words such as historic, small, home, charming, and beautiful (based on Youth input). This mural does not need to be word art but should fit the ambience of what Bastrop means to its youth. The location of the mural sits on a boundary of an economic district which is Downtown Bastrop.

2022 Call for Entries

You are invited to submit your mural proposition to be displayed for the public exhibit. The following criteria are required:

1. The mural call is open in regards to theme and can be in any medium including but not limited to: painting, mixed media, word art, ceramics, collage, etc. No reproductions of original art will be accepted. The completed size must be within the restraint of 13 ft tall and 67 ft wide, approx. 888 sq ft. The call is open to all artists without geographic distinctions or restrictions; however, special consideration will be given to local artists.
2. Each artist may submit up to 3 images of the proposed original art for consideration. A high-resolution digital image of at least 300 dpi and 5x7 size is required to be juried, as well as, for use in marketing collateral to include but not limited to: website, social media and print. Please note that the quality of the photograph can influence the jury process. Artists may also submit prior work examples and attach references such as websites or social media accounts. No substitutions will be allowed after the juried process has been completed. Send all images, including an artist's photo by email. Submit applications by email with images to cbutts@cityofbastrop.org or mail to Candice Butts, 1311 Chestnut Street, Bastrop, TX 78602 with images on a CD or flash drive.
3. Pending artist selection and design approval, the mural will begin installation. Selection will be done by jurying process by members of the Youth Advisory Council for final decision. Compensation will include a budget of \$10,000 which includes supplies and labor for the project. The selected artist will also be recognized at an appreciation event, the date of which is to be determined.
4. The artist selected to exhibit will be required to sign an Artist's Agreement with the City of Bastrop that will detail the rights and responsibilities of all parties related to staging, installation, security, materials, liability and removal, etc.



2022 Exhibition Schedule

July 15, 2022:	Submission Deadline/Confirmations of receipt of submissions
July 22, 2022:	Notification of Acceptance
July 25, 2022:	Paperwork completion (W-9 and contract)
August 8, 2022:	Art Installation Begins
Date TBD:	Appreciation event

For artist or event information, please contact Candice Butts at cbutts@cityofbastrop.org or at (512)-332-8862

Design Limitations

All mural submissions must be “family appropriate” and pose no risk to public safety; nothing of sexual, violent, or political nature shall be accepted. Further, art may not contain advertisements; however, the Artist may incorporate his/her signature into the design.

Artist mural supplies and submissions must be compatible with outdoor elements by using paints such as high load acrylics, fluid acrylics, airbrush acrylics, etc. The paints should be modified with a harder acrylic medium to maximize durability and extend exterior lifetime, such as specialty acrylic polymer.

Bastrop Youth Advisory Council 2022 Mural

2022 Artist and Entry Information

Full Name: _____

Address: _____

City/State/Zip: _____

Telephone: Home () _____ Cell () _____

Email: _____ Fax: () _____

Social Media Account Handle: _____

Website: _____

Title #1: _____

Materials: _____

Estimate Price Summary: _____

Height: _____

Width: _____

Artist Explanation/Details: _____

Title #2: _____

Materials: _____

Estimate Price Summary: _____

Height: _____

Width: _____

Artist Explanation/Details: _____

TML LEGISLATIVE UPDATE



May 20, 2022
Number 20

TML Legislative Advocacy Toolkit

The League has prepared an [advocacy toolkit](#) to provide the resources, tools, and training to help city officials successfully advocate at the Capitol. The toolkit contains information on:

- The Texas legislative process;
- Tips for grassroots involvement;
- A guide to writing an effective advocacy letter or email;
- Tips for testifying at the Capitol; and
- Various legislative resources.

The League is nothing without the efforts of city officials. The most effective legislative communication comes directly from mayors, councilmembers, and other city officials to their legislators. The toolkit will empower city officials whether they are a seasoned veteran, new to advocating, or new to city government.

The toolkit can be found [here](#).

DIR Proposes New Rules on Minimum Standards for Meetings Held by Videoconference

The Texas Department of Information Resources (DIR) is proposing rules that will establish minimum technical standards for open meetings held by computer-based videoconferencing applications. These rules apply to the older, stricter videoconferencing law. The Governor's disaster order permitting easy open meeting videoconferencing allowed during the pandemic ended in September 2021. The proposed rules can be found [here](#).

The rules would:

- Require all computer-based videoconferencing applications to employ a minimum bandwidth transmission speed and/or adequate data compression algorithm to produce a sufficient quality for audio and video sufficient to make it possible for all attendees to hear and view all speaking participants on the videoconference clearly;
- Allow computer-based videoconferencing applications to specify unique minimum technical requirements to run the computer-based videoconferencing application, and require a city to comply with those requirements;
- Provide that if the videoconference call hosts a public audience at a location(s) specified in the meeting notice, then the city must establish a minimum of one host computer at the location(s) that will run the computer-based videoconferencing application, and require that the host computer be connected to a separate video monitor or monitors and external speakers that make it possible for all attendees to clearly view and hear the meeting;
- Provide that any personal computer used by a member of the governing body of the city for the purpose of videoconferencing must contain a camera and speakers of sufficient quality to permit all meeting attendees to see the individual who is using the personal computer and for the individual to hear all speaking attendees.
- Create specific technical standards for videoconferencing equipment used in a dedicated video room environment;
- Require a city to review and comply with any additional internal security requirements of the city that may apply to a meeting held by videoconference; and
- Require a city to ensure compliance with any information security standards promulgated regarding the transmission of data through a public or data/IP network.

Written comments on the proposed rules may be submitted to Christi Koenig Brisky, Assistant General Counsel, 300 West 15th Street, Suite 1300, Austin, Texas 78701, or to rules.review@dir.texas.gov. Comments will be accepted until June 12, 2022.

Federal Infrastructure Bill Update

In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure

priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.

The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will be providing periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.

U.S. Department of Commerce (Commerce)

On May 13, Commerce [announced the launch](#) of a \$45 billion “Internet for All” initiative to bring affordable and reliable high-speed internet for everyone in the country by the end of this decade. The initiative will be administered by Commerce’s National Telecommunications and Information Administration and includes three separate programs funded under the IIJA (links below to Notice of Funding Opportunity):

- [Broadband Equity, Access, and Deployment Program](#) (\$42.5 billion - states can apply for these funds, cities cannot)
- [Enabling Middle Mile Broadband Infrastructure Program](#) (\$1 billion – cities can apply)
- [State Digital Equity Act Programs](#) (\$1.5 billion – states can apply for these funds, cities cannot)

Although cities cannot apply directly to Commerce for funding under the Broadband Equity, Access, and Deployment Program and the State Digital Equity Act Programs, it might be possible to apply for pass-through funds from the state if Texas devises a program to award funding to cities from any allocation it receives under these programs.

More on the “Internet for All” initiative can be found [here](#).

National League of Cities (NLC)

NLC recently [published an article](#) on grant opportunities under the IIJA for transit-oriented development.

Interested city officials can access the NLC “Ready to Rebuild” webinar series on the IIJA [here](#).

The White House

On May 16, the White House [released two maps](#) showing announced funding and project locations in every state to commemorate the six-month anniversary of the IIJA. As of May 3, \$8.1 billion has been allocated to Texas, with 82% of that amount going towards transportation infrastructure and 18% going towards climate, energy, and the environment.

House and Senate Committee Interim Hearings

The Texas House and Senate Committees are underway studying interim charges outlined by Speaker Phelan and Lt. Governor Dan Patrick.

Below is a full list of committee hearings set to hear certain city-related charges. All hearings will be held at the Texas Capitol unless otherwise indicated. If a committee has newly posted notice and was not included in last week's edition of the *Legislative Update*, it is indicated as such.

Senate Finance Committee

The committee will meet on May 23 at 10:00 a.m. to hear invited and public testimony on the following interim charges:

Property Tax Relief: Examine and recommend ways to reduce Texans' property tax burden. Review and report on proposals to use or dedicate state revenues in excess of the state spending limit to eliminate the school district maintenance and operations property tax.

Tax Exemptions: Examine Texans' current tax exemptions and report on whether adjustments are merited because of inflation or any other factors.

Information on the hearing, including how to register and testify at the committee hearing, can be found [here](#).

***NEW* House Committee on Business and Industry**

The committee will meet on May 25 at 10:00 a.m. to hear invited and public testimony on the following charge:

Monitor the agencies and programs under the committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87th Legislature. Conduct oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation, including the following:

- [S.B. 22](#), relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees

Study workers' compensation claims involving public safety employees described by S.B. 22. This study should include an analysis of medical costs, return-to-work outcomes, utilization of care, satisfaction with care, and health-related functional outcomes.

Information on the hearing, including how to testify or submit electronic comments, can be found [here](#).

Senate Criminal Justice Committee

The committee will meet on May 26 at 10:00 a.m. at the Texas Department of Transportation (TxDOT) Houston District Headquarters to hear invited and public testimony on the following charge:

Automobile Parts Theft (Including Catalytic Converters): Review the effect of House Bill 4110 (87th Legislature), relating to the registration of metal recycling, and related catalytic converter theft legislation passed by the 87th Legislature. Determine what actions are needed to aid law enforcement and stop catalytic converter theft and its related violence.

Information on the hearing, including how to register and testify at the committee hearing, can be found [here](#).

***NEW* House Committee on Licensing and Administrative Procedures**

The committee will meet on June 7 at 10:00 a.m. to hear invited testimony only over the following interim charge:

Explore opportunities to strengthen and enforce laws to reduce illegal gaming and the proliferation of unlawful game rooms. Identify how cash-paying game rooms utilizing machines commonly known as “8-liners” have been allowed to proliferate and how the comptroller or other state agencies can assist law enforcement with ongoing investigations.

Information on the hearing and how to submit electronic comments can be found [here](#).

***NEW* Senate Finance Committee**

The committee will meet on June 28 at 10:00 a.m. to hear invited and public testimony on the following charge:

Federal Funds: Report on the state use of federal COVID-19 relief funds provided under the Coronavirus Aid, Relief, and Economic Security Act, Coronavirus Response and Relief Supplemental Appropriations Act, the American Rescue Plan Act, Infrastructure Investment and Jobs Acts, and similar legislation. Examine local use of federal relief funding, including funding provided through the Elementary and Secondary School Emergency Relief (ESSER) Fund. Evaluate the overall fiscal impact of the COVID-19 pandemic on state agencies, including costs incurred due to federal mandates. Identify barriers to the effective utilization of funds and make recommendations on the expenditure of unappropriated funds. In addition, evaluate and report on the spending by state agencies that have been utilizing “one-time” federal funding (temporary enhancements, e.g. FMAP and ESSER) sources, where federal funding will likely be significantly reduced in future biennia.

Information on the hearing, including how to register and testify at the committee hearing, can be found [here](#).

Texas Hazard Communication Act Compliance Guide Released

The Texas Department of State Health Services (DSHS) published a new Texas Hazard Communication Act [compliance guide](#) to assist public employers in complying with regulations. The Texas Hazard Communication Act requires public employers to provide information, training, and appropriate personal protective equipment to their employees who may be exposed to hazardous chemical in their workplaces. DSHS may perform random [compliance inspections](#) to enforce the Act.

More information on the Texas Hazard Communication Act can be found [here](#). For any questions, contact DSHS Hazard Communication Program at 1-800-293-0753 or at hazcomhelp@dshs.texas.gov.

Reminder: Drought Contingency Plans

As Texas enters summer and drought season, it is important to note that drought contingency plans are required for wholesale and retail public water suppliers and irrigation districts. Pursuant to Texas Commission on Environmental Quality (TCEQ) rules, wholesale retail public water suppliers are required to develop, implement, and submit drought contingency plans to TCEQ every five years. If a plan was revised and adopted in between the five-year submittal deadline, the updated plan must be submitted to TCEQ within 90 days of adoption. For more information, please visit the [TCEQ website](#).

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