

To: Honorable Mayor and Members of the City Council
From: Paul A. Hofmann, City Manager
Date: May 6, 2022
Subject: Weekly Memo, May 2 – May 6, 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

Movies in the Park

The Spring Movies in the Park series in Bob Bryant Park continues this Saturday, May 7, 2022, with the movie Moana. This is the last movie in the Spring series. Activities and snacks will be provided by Community support groups, BISD school groups, community assets along with other community groups. Enjoy face painting and fun balloon art from Ms. Poppy the Clown. Activities will begin at 7:00 p.m. and the movie will start when the sun goes down. The next Movies in the Park series will start up again in September at Fisherman's Park.

Water Meter Supply Update

Manufacturing and supply chain issues continue to negatively impact the City's ability to acquire Sensus water meter products which are compatible with the City's Automatic Metering Infrastructure (AMI) network via the City's contract with Aqua Metrics. Aqua Metrics recently stated that there is now a 52-week lead time for the radio transmitters used to communicate within the City's AMI network and have not given any clear indications as to lead times for their meters.

While the City is waiting on the Sensus products, the Water/Wastewater Division has started purchasing and installing Neptune meters allowing for timely installations, eliminating the need to delay development. The Neptune meters do not currently communicate with the AMI network and must be read by hand each month. However, the Neptune meters are compatible with the AMI network and will be remotely read

once radios are received from Sensus. The radio transmitters are sole-sourced and cannot be acquired through other means.

LCRA Rate Notification

The attached letter from the Lower Colorado River Authority (our wholesale power provider) describes new wholesale electric rates that are expected to change on July 1.

Our current rate is \$40.80 per MWh. The new rate of \$43.80 per MWh, which is a \$0.003 increase per KWh. The average residential customer uses 750 KWh per month, and the rate impact on that average user would be \$2.25 per month.

New City Hall Mailbox

The southwest corner of the City Hall parking lot now sports a new mailbox. We are transitioning from a PO Box address to a street address (1311 Chestnut) for City Hall mail. The proliferation of large packages being sent through the mail has created a struggle for the City Hall staff responsible for retrieving our mail from the Post Office, so we made the switch.

Subdivision Variances

Recently there have been a few requests for variances from the subdivision requirements. Planning Staff sent an email last week outlining the process and costs to the local land surveyors who regularly work in the area. In these instances, the owner/applicant is requesting to not follow an adopted subdivision standard at all. A warrant request is to modify an existing standard within the subdivision or development standards, that must be justified based on the three criteria established in the B³ Code (Fiscally Sustainable for the City, Geographically Sensitive, and Authentic to Bastrop). When the warrant process cannot be applied, a zoning variance or subdivision variance is the correct route to request approval, from either the Zoning Board of Adjustment or the Planning & Zoning Commission. This allows the board/commission to consider hardship on a case-by-case basis. City Council has adopted fees for a Zoning Variance and Subdivision Variance in the amount of \$3,681. The fee is based on the time and analysis required for each specific request. The fee for a warrant is \$6, which is the base system technology fee as no other fee has been adopted for a warrant. The review for a warrant is at the staff level and if appealed to a commission or City Council, additional fees are charged for each appeal.

Noon Whistle

The iconic noon whistle, which sits on a tower behind a building on Spring Street, is located on private property. The property owner has asked that the tower be moved. We are working to honor the request but doing so is complicated by the fact that electric service to more than one property runs through the tower. The solution will require the acquisition of a public utility easement and discussion with the property owner about the design of the final product. We'll be working to establish a suitable new location for the whistle.

Overheard at City Hall

Season 2 Episode 3 of the Official Podcast of the City of Bastrop features guests Jaylen West and Dylan Judd, two of Bastrop's newest Police Officers. These officers were the first Bastrop Police Department-sponsored cadets in CAPCOG's Regional Law Enforcement Academy. It is a fun and enjoyable episode

of the podcast. Find the podcast episode on Spotify, Apple Podcasts, or on the City of Bastrop website here: https://www.cityofbastrop.org/page/city_podcast

Future Agenda Items

May 24, 2022

- Riverwood Waterline Replacement Contract
- Public hearing on Burleson Crossing East annexation
- Public hearing on Burleson Crossing East Zoning Concept Scheme

Attachments

- TML Legislative Update Number #18

TML LEGISLATIVE UPDATE



May 6, 2022
Number 18

U.S. Supreme Court: City Flag Raising Program Violated the First Amendment

On May 2, 2022, the Supreme Court of the United States decided [*Shurtleff v. City of Boston*](#), finding that the City of Boston (Boston) violated the First Amendment when it refused to allow a flag described as a “Christian flag” on one of its flagpoles outside city hall.

Boston has three 83-foot flagpoles outside of its city hall. Boston flies the American flag on one and the state flag on another. On the third flagpole, Boston usually flies the Boston flag, but it also allows third parties to hoist a flag of their choosing on the flagpole for the duration of flag-raising ceremonies that are held outside city hall. Most of the flags raised were of other countries, but also included flags commemorating groups or causes such as Pride Week and EMS workers. For years, Boston approved third-party flags and had never denied a single request until Harold Shurtleff, the director of Camp Constitution, asked to fly a Christian flag. Boston denied the request citing concerns that flying a religious flag would violate the Establishment Clause, which prohibits the government from endorsing a particular religion. Shurtleff sued.

Boston argued that flying flags from its third flagpole was government speech and Boston could deny Shurtleff's request without violating the First Amendment. Shurtleff argued that because Boston had opened up its flagpole for citizens to express their own views, refusal to fly a religious flag was a violation of the First Amendment Free Speech Clause.

The Supreme Court found that Boston's flag-raising program was not government speech and it violated the First Amendment when it denied Shurtleff's request to fly a Christian flag. The Court acknowledged that there is a thin line between government speech and private speech when the government invites the people to participate in a program. In this instance, "Boston's lack of meaningful involvement in the selection of flags or the crafting of their messages" led the court to "classify the third-party flag raisings as private, not government speech."

Railroad Commission Proposes Emergency Prioritization Rules

The Railroad Commission [adopted a rule](#) relating to the prioritization of natural gas distribution during a curtailment event (i.e. when a gas utility determines that its ability to deliver gas may become inadequate to support continuous service to its customers on its system and it reduces deliveries to one or more customers). The rule prioritizes the needs of individual customers and electric generation customers during a natural gas utility curtailment event.

TDHCA Announces Homeowner Assistance Fund

The Texas Department of Housing and Community Affairs (TDHCA) has posted a [Notice of Funding Availability](#) (NOFA) of \$30,500,000 in Homeowner Assistance Funds (HAF) for cities, counties, private nonprofit organizations, and other eligible organizations, to provide the following services to income eligible households experiencing housing instability:

1. Intake center services to help households apply for and access HAF funding;
2. Housing counseling services to assist households with improving financial sustainability; and
3. Legal services to provide free legal counsel and advice, including limited civil action to assist households with retaining their homeownership.

Interested cities can apply to provide one, two, or all three of the possible service categories as further described in the NOFA. Applications will be reviewed and awarded on a first-come, first-serve basis and will continue to be accepted until August 31, 2022, or when all funds have been committed, whichever occurs first. Applications must be emailed, with all exhibits completed, to Felipe Romero at felipe.romero@tdhca.state.tx.us, and application questions may be submitted via email to Tanya Briks at tanya.briks@tdhca.state.tx.us or Felipe Romero at felipe.romera@tdhca.state.tx.us.

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 upcoming 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 Water, Agriculture and Rural Affairs Committee

The committee will meet on May 10 at 9:00 a.m. to hear invited and public testimony on the following charges:

Water Utility Infrastructure: Evaluate the state's water infrastructure. Study and make recommendations on options to upgrade and update water infrastructure to address deferred maintenance, disasters, and water loss.

Water Supply: Review and make recommendations to complete specific projects identified in the 2022 State Water Plan. In light of recent changes to the global economy, consider the current regulatory process regarding innovative technology solutions to water supply needs, such as marine desalinations, and make recommendations for their improvement.

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

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

The committee will meet on May 10 at 10:30 a.m. to hear invited only testimony over the following interim charges:

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

- [H.B. 636](#), relating to the continuation and functions of the Texas state Board of Plumbing Examiners; and
- [H.B. 1560](#), relating to the continuation and functions of the Texas Department of Licensing and Regulation.

Information on the hearing can be found [here](#).

Senate Finance Committee

The committee will meet on May 17 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](#).

Senate Business and Commerce Committee

The committee will meet on May 18 at 9:00 a.m. to hear invited and public testimony on the following interim charge:

Cybersecurity: Review current state and federal laws regarding cybersecurity protections and requirements for local governments, state agencies, and critical industries of our state. Make recommendations for legislation to improve resilience and protection against cybersecurity attacks and ensure the privacy protection of the citizens of Texas.

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

TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.