

TO: Honorable Mayor and Members of the City Council
From: Paul A. Hofmann, City Manager
Date: October 29, 2021
Subject: Weekly Memo, October 24 – October 29, 2021



Personnel Update

Next Monday, Sergeant Hamilton and Senior Officer Reitmeyer will take on their new roles as Administrative Lieutenant and Criminal Investigator, respectively. These officers each went through a rigorous promotional process to earn their positions.

Halloween Road Closures

This year, the Pecan Street closure for Halloween has been extended one additional block to include Cypress Street north to Elm Street. Residents along Pecan Street have been notified twice of this closure and police personnel will be in the area for security and traffic control. Map attached.

Bastrop Boo Bash

The 2021 Bastrop Boo Bash drive thru trick or treat event will be held at Mayfest Park/Rodeo Grounds on Saturday, October 30 from 5:00 p.m. until 7:00 p.m. Members of the community, businesses, and organizations will hand out treats and candy. It is fun for all ages! The event is free and open to the public.

Rotary Club Bike Racks for Main Street

You may have noticed that we have placed a bike rack by the back door temporarily. It was given to us by the Rotary Club as a prototype before the fabrication of the additional racks. It was designed and welded at Texas State Technical College by two students from the Bastrop area. It is not as smooth as the final product will be but is meant to be used to determine sizing. The branding of the signage is also not the final design but rather was placed there temporarily as we design something that includes the City logo and 'sponsored by the rotary' message. It is meant to mimic the old iron bridge and the final racks will be powder coated in the Downtown Bastrop brand colors to bring a pop of color to Main Street. Thank you to the Main Street Advisory Board and their design committee for their hard work in getting these bike racks donated to our downtown.

Upcoming Training

Below are future training opportunities through the calendar year. 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 Economic Development Conference**

Date: November 11, 2021 – November 12, 2021

Time: All Day

Location: Bastrop

- **TML-TAMCC Elected Officials' Conference**

Date: February 2, 2022 - February 4, 2022

Time: All Day

Location: Sugar Land

Criminal Justice Information Services (CJIS) Audit

Recently, the Texas Department of Public Safety conducted a random and relatively impromptu audit of the police department's criminal justice information systems and secure site access. Overall, sixty-nine checks of compliance were conducted. Because of Records Technician Donna Pierce's diligence and organization, the department overwhelmingly passed this audit with zero violations.

We also want to thank Director Miga and Administrator Saldivar for their help in keeping the City compliant.

Hunters Crossing Lawsuit Verdict Appealed

The recent U.S. District Court final judgement in favor of the city and other defendants in the lawsuit regarding the Hunters Crossing Public Improvement District has been appealed by plaintiffs Carolyn Smith and Lirtex properties.

Ace Event

On Saturday, October 23, 2021, Bastrop Public Library hosted an ACE Event, partnering with BISD. The event aimed to encourage families from the ACE program or After school Centers for Education to register for a library card, make use of library services, and learn more about what the library has to offer. The event gathered 62 people in total.

Women's Self Defense Class

The City Recreation Program is teaming up with the City Police Department to host a FREE Women's Self Defense program on November 5 at 6:30 p.m. Women ages 15 years and up will be given moves and techniques to protect themselves from harmful situations. The program will be led by Officer Charles King. It will be an hour and a half session held at the recreation center at 1008 Water Street. Space is limited to 15 participants. Registration is required and can be found on the recreation page of the city website.

Veterans Weekend Car Show

The 15th Annual Veterans Weekend Car Show presented by the Bastrop Area Cruisers is coming up Friday November 12 with the Cruise In, starting at 4 p.m. & Saturday November 13 with the Car Show from 7 a.m. – 3 p.m. and the Veterans March & Tribute from 10:30 a.m.– noon.

Attachments

- TML Legislative Update Number 41
- Pecan Street Halloween Road Closures

Future Agenda Items

November 9, 2021

-  2021 4th Quarterly Report for July-September 2021
- Visit Bastrop End of Year Report
- Consider action on DMO agreement with Visit Bastrop
- Texas Opioid Abatement Fund Council and Settlement Allocation
- 2021 Tax Roll and Tax Levy
- Agreement with Deep in the Heart Art Foundry
- Construction Management Professional Services agreements
- Consider amending budget FY2021

December 14, 2021

- Presentation of Strategic Planning Calendar
- Water Plant Construction Manager at Risk Contract
- Budget amendment FY2022
- 2022 Council Meeting Schedule
- Texas Community Development Block Grant Program
- Zoning Concept scheme 2nd reading Farm Street Village
- Contract for Maintenance, Mowing and Landscaping Services for City Buildings and ROW's

January 11, 2022

- 2nd reading amending budget FY2022
- Texas Combination Tax and Revenue Certificates of Obligation
- XS Ranch consent agreement to new owners
- Workshop: Economic Development Policy (rescheduled)
- Homeland Security Grant contract

PECAN STREET HALLOWEEN NIGHT CLOSURES

For public safety reasons, Pecan Street from Spring to Elm Streets will be closed to **ALL** vehicular traffic and not available for parking starting at 6:00 PM and ending at 8:00 PM on October 31st (Halloween Evening).

Cypress, Cedar, Buttonwood, Beech, and Farm Streets will be closed to all but residential traffic in a one block area east and west of Pecan Street during this time.

Pecan Street Residents: Please make parking arrangements during these hours if the entrance to your home is on Pecan Street.

We apologize for any inconvenience.



BASTROPTX
Heart of the Lost Pines / Est. 1832





Legislative UPDATE

October 29, 2021
Number 41

City-Related Constitutional Amendment Propositions

Three of the eight proposed amendments to the Texas Constitution on the November 2, 2021, ballot directly or indirectly affect Texas cities. The following information about the propositions is taken directly from the Texas secretary of state's [website](#).

- **Proposition 2 (H.J.R. 99):** [H.J.R. 99](#) proposes a constitutional amendment allowing the legislature to authorize a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area within the county and to pledge for repayment of those bonds or notes increases in property tax revenues imposed on property in the area by the county. The Texas Constitution gives the legislature the power to authorize an incorporated city or town to issue such bonds or notes but does not expressly give the legislature the power to grant that same authority to counties. The proposed amendment also provides that a county that issues bonds or notes for transportation improvements may not pledge for the repayment of those bonds or notes more than 65 percent of the increases in ad valorem tax revenues each year, and a county may not use proceeds from the bonds or notes to finance the construction, operation, maintenance, or acquisition of rights-of-way of a toll road.

The proposed amendment will appear on the ballot as follows: **“The constitutional amendment authorizing a county to finance the development or redevelopment of**

transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county.”

- **Proposition 3 (S.J.R. 27):** [S.J.R. 27](#) proposes a constitutional amendment barring the State of Texas or a political subdivision from enacting, adopting, or issuing a statute, order, proclamation, decision, or rule that prohibits or limits religious services. The proposed amendment would apply to religious services, including those conducted in churches, congregations, and places of worship, in the state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

The proposed amendment will appear on the ballot as follows: **“The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.”**

- **Proposition 8 (S.J.R. 35):** [S.J.R. 35](#) proposes a constitutional amendment authorizing the legislature to exempt from ad valorem taxation all or part of the market value of the residence homestead of the surviving spouse of a member of the United States armed services who is killed or fatally injured in the line of duty. The Texas Constitution provides a property tax exemption to the surviving spouse of a member of the armed services who is killed in action, but the current exemption does not include members of the military who die during their service due to injuries sustained that are not combat-related.

The proposed amendment will appear on the ballot as follows: **“The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.”**

For background and analysis of the propositions, see the House Research Organization’s Focus Report on [“Constitutional Amendments Proposed for November 2021 Ballot”](#), and the Texas Legislative Council’s [“Analyses of Proposed Constitutional Amendments”](#).

U.S. Department of the Treasury Seeking Input on Coronavirus Local Fiscal Recovery Funds

The U.S. Department of the Treasury is seeking feedback from Non-Entitlement Units (NEUs) which are typically cities serving populations of less than 50,000 on particular uses and impediments to spending the Coronavirus Local Fiscal Recovery Funds (CLFRFs). If you have any feedback that would be useful for the Department of the Treasury, please email Monty Wynn, Director, Grassroots and Legislative Services at monty@tml.org by the end of business on Monday, November 1. TML will share feedback with Treasury officials.

U.S. Senate Passes State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act

The U.S. Senate passed [S. 3011](#) sponsored by Senator John Cornyn (R- Texas) that would clarify that highway and public transportation projects are an eligible expenditure for State and Local Fiscal Recovery Funds (SLFRF) from the American Rescue Plan Act (ARPA). If passed by the U.S. House of Representatives, states and cities would be able to spend the greater of either up to 30 percent of their SLFRF allocation, or \$10 million, on qualifying infrastructure projects.

In addition to offering local governments new flexibilities for their ARPA funds, S.3011 represents an opportunity for local governments to use federal funds as a match to leverage the upcoming Infrastructure Investment and Jobs Act transportation programs. Any project currently eligible for funding under the following programs would now be eligible for financing with COVID-19 relief dollars:

- Nationally Significant Freight and Highway Projects
- National Highway Performance Program
- Bridge Investment Program
- Surface Transportation Block Grant Program
- Metropolitan Transportation Planning
- Highway Safety Improvement Program
- Congestion Mitigation and Air Quality Improvement Program
- Territorial and Puerto Rico Highway Program
- National Highway Freight Program
- Rural Surface Transportation Grant Program
- Carbon Reduction Program
- PROTECT Program
- Tribal Transportation Program
- Alternative Fueling Infrastructure
- Federal Lands Transportation Program
- Federal Lands Access Program
- RAISE Grant Program
- TIFIA Program
- ADHS Program
- Urbanized Area Formula Grants
- Fixed Guideway Capital Investment Grants
- Formula Grants for Rural Areas
- State of Good Repair Grants
- Grants for Buses and Bus Facilities
- National Culvert Removal, Replacement, and Restoration Program
- Community Development Block Grant
- Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Program

We encourage you to reach out to your Congressional House delegation to urge their support of S.3011 and to thank Sen. Cornyn for his work on this important measure.

Update: Opioid Settlement

In an update to the opioid settlement efforts, Attorney General Ken Paxton recently [announced](#) a \$290 million statewide opioid [settlement agreement](#) with Johnson & Johnson to resolve opioid-related claims. The Johnson & Johnson agreement will largely track the terms of the Global Prescription Opioid Litigation Settlement Agreement that was [announced](#) on July 23, 2021. In addition to the funds from Johnson & Johnson, Texas is also slated to receive up to \$1.2 billion from three distributors, Cardinal, McKesson, and AmerisourceBergen, which will bring to Texas up to \$1.5 billion in funding for statewide opioid abatement efforts.

Local governments must join the settlement by **January 2, 2022**, in order to maximize the benefits of the settlement. Funding received under the settlement will be used to support opioid abatement strategies. More information, including the steps necessary to formally join the settlement, can be found [here](#).

COVID-19 Update (No. 206)

All pandemic-related updates continue to be found in the [Legislative Update Newsletter](#).

EEOC Issues Updated COVID-19 Technical Assistance

On October 25, the Equal Employment Opportunity Commission (EEOC) [posted updated and expanded technical assistance related to the COVID-19 pandemic](#), addressing questions about religious objections to employer COVID-19 vaccine requirements and how they interact with federal equal employment opportunity laws.

The expanded technical assistance provides new information about how Title VII of the Civil Rights Act of 1964 applies when an applicant or employee requests an exception from an employer's COVID-19 vaccination requirement that conflicts with their sincerely held religious beliefs, practices, or observances. Title VII prohibits employment discrimination based on race, color, religion, sex, and national origin.

The key updates to the technical assistance are summarized below:

- Employees and applicants must inform their employers if they seek an exception to an employer's COVID-19 vaccine requirement due to a sincerely held religious belief, practice, or observance.
- Title VII requires employers to consider requests for religious accommodations but does not protect social, political, or economic views, or personal preferences of employees who seek exceptions to a COVID-19 vaccination requirement.
- Employers that demonstrate "undue hardship" are not required to accommodate an employee's request for a religious accommodation.

The EEOC is providing this information to the public as many employers are requiring employees to be vaccinated against COVID-19 as a condition of their employment. This technical assistance answers COVID-19 questions only from the perspective of the federal EEO laws. Other federal, state, and local laws come into play regarding the COVID-19 pandemic for employers, employees, and applicants. This includes Governor Abbott's Executive Order Nos. [39](#) and [40](#). Consult with your city attorney before taking action with regard to vaccine mandates.

Reminder: TML Coronavirus materials are archived by date [here](#) and by subject [here](#).

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