

TO: Honorable Mayor and Members of the City Council
FROM: Paul A. Hofmann, City Manager
DATE: February 4, 2022
SUBJECT: Weekly Memo, January 31 – February 4, 2022



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Distribution of the Weekly Memo

Consistent with custom, the Weekly Memo is distributed to Council candidates Lee and Kirkland and to Council Member-Elect Plunkett.

Personnel Updates

Fred Alejos began his employment with the City of Bastrop on Wednesday, February 2 as our new Water & Wastewater Systems Technician.

Council Meetings Next Week

The February 8 meeting will begin at 5:30 p.m. with a closed session. The Regular Meeting will begin at 6:30 p.m..

Council will meet Wednesday February 9 at 5:00 p.m. to canvas the January 29th election, swear in new Council Member Kevin Plunkett, and elect a Mayor Pro Tem.

Publication and Distribution of State of City Video

Since the State of the City Address made its debut at the January 25 Council Meeting, we have set up a webpage for the video (available here: https://www.cityofbastrop.org/page/cc.state_of_the_city). We have also included a link to it on the transparency tab on the City’s homepage, added a banner to the homepage, and have come up with a distribution plan that includes publishing to Facebook, Youtube, on the PEG channel, and promoting with emails to our partner networks, an email to all Board & Commission members, and through highlight “clips” on social media. Through the campaign of sharing the State of the City video both in whole and in shortened clips, we are also taking the opportunity to point people to all of the various ways interested citizens can “Connect with Us” and “Get Involved.”

Corix Wastewater Service Area Update

Assistant City Manager Trey Job attended a progress meeting for the Corix wastewater service study on Wednesday February 2. Kimley Horn Engineering provided updated exhibits and provided the results of an analysis that included population projections, future wastewater flow projections, basin interceptor layout, and discussed possible locations for lift stations and or treatment plant sites.

Kimley Horn has gathered a large amount of data and can now begin a draft document with recommended steps for stakeholder review. The meeting was positive, and good discussion between Trey and the senior staff at Corix will lead to future meetings regarding efficient utility service in the County. The consultant is providing a draft document for review in late March of 2022.

Cultural Arts Commission Update

The Cultural Arts Commission met this week and after a year of hard work, have adopted a two-year Work Plan that would encompass the rest of Fiscal Year 2022 and Fiscal Year 2023. The Commission is confident the Work Plan meets Council's goal of implementing the Comprehensive Arts Master Plan in a way that is Bastrop-centric. The Commission is planning on coming before Council at a March Council meeting to present their plan.

Central Fort Bend County Chamber Visit to Bastrop

Assistant City Manager Rebecca Gleason and I had a chance to make brief presentations to a leadership class associated with the Central Fort Bend County Chamber. About 50 business leaders from the Richmond/Rosenberg area enjoyed lunch from 602 while I overviewed the City of Bastrop's efforts toward managing growth. Richmond/Rosenberg is also experiencing significant growth in areas outside of corporate city limits and so my comments were received with lots of interest. Rebecca presented the City's approach to downtown and main street planning and implementation, and our approach to community engagement. Rebecca's comments were very well received. While this was my first time presenting to the group, ACM Gleason has presented in years past.

Liberty Hill Main Street to visit Bastrop

Our Main Street success story is developing quite a reputation. A contingent from the City of Liberty Hill plans a visit to Bastrop next week to learn more about the history of our program and Main Street focused economic development. The group had an hour long zoom call with ACM Gleason and Main Street Chair, Terry Moore, a few weeks back and decided they wanted to come to town to learn more about developing their downtown similarly to Downtown Bastrop. Last week ACM Gleason also had a two hour zoom call with the Board Chair of Visit Conroe who is working with the City to create a plan for revitalization of their downtown. They discussed planning a trip to Bastrop so we will let you know when that occurs.

Drainage Master Plan Presentation Video Link

Last week we shared a recap of the January 26 Drainage Master Plan public meeting. Here is a link to the video made of that presentation: <https://youtu.be/QM0ZtY1bdbY>

Future Agenda Items

February 22, 2022

- Comprehensive Annual Financial and Audit Report
- Public Hearings and action related to the Colorado Bend development:
 - Annexation
 - Future Land Use Map amendment
 - Thoroughfare Plan Amendment
 - Zoning Concept Scheme Amendment
- Contracts:
 - Old Austin Highway Rehabilitation
 - Riverwood water line replacement

- BP&L system improvements

Attachments

February Employee Memo
TML Legislative Update Number #05

TO: City of Bastrop Employees
FROM: Paul A. Hofmann, City Manager
DATE: February 3, 2022
SUBJECT: News You Can Use



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Allow me on this cold and windy day to update you on a few things. As I write this from my warm office, many of you are out in the midst of bitter wind chills, keeping our citizens safe. Thank you for what you do and for doing it so well.

Special Council Election

We conducted a Special Election on January 29 to fill a City Council spot. That spot had been filled by Lyle Nelson, who vacated the position so that he run for County Judge. We'll formally say goodbye and thank you to Mayor Pro Tem Nelson during the February 8th City Council meeting. You are most welcome to come to the Council meeting Tuesday night if you would like to personally express your appreciation for his service.

Kevin Plunkett won the election and will be sworn in during a special council meeting on Wednesday February 9. Mr. Plunkett is an active downtown business owner and currently serves on the Bastrop Economic Development Corporation Board and the Visit Bastrop Board. There will be a reception for Mr. Plunkett immediately after the February 9 meeting if you would like to come by.

Praise for Bastrop Fire Department

Chief Rosales had an opportunity during the January 25 City Council meeting to describe the Bastrop Fire Department's response to the recent fire that started in Bastrop State Park. While outside the City's jurisdiction, we responded in accordance with our Automatic Aid Agreement with Emergency Services District No. 2. Our response was swift and effective, and saved several residential structures from burning. Chief Rosales and his team demonstrated leadership and firefighting skills during that fire.

Bastrop in the News

Bastrop has been receiving a lot of great press recently. A recent Texas Highways magazine article described how the city has maintained our downtown and small-town charm through an influx of growth. An upcoming Texas Town and City publication will feature Mayor Schroeder and Assistant City Manager Trey Job describing the City's unique and effective approach to managing growth. A publication called Business View has also contacted Trey about a similar article. Finally, Fox News Business was in town this week to feature local business success stories.

First Quarter Report

We'll present the First Quarter Report to the City Council on February 8. With the new fiscal year comes new projects and new project descriptions and schedules. Thank you again to the Communication and Special Events team for putting together an impressive set of data. You are a productive, efficient, effective team, and the quarterly report gives us the chance to put numbers behind that statement. It's an honor to work with you. Stay warm and be safe.



Legislative UPDATE

February 4, 2022
Number 5

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.

White House

The White House recently released its [Bipartisan Infrastructure Law Guidebook](#). The guidebook is meant to serve as a roadmap for state and local governments to use to access funding from the more than 350 programs included in the IIJA. The guidebook has 13 chapters separated out by issue area and will be updated to reflect emerging details and deadlines for the different programs. Interested city officials can read more about the guidebook [here](#) and access additional information on the guidebook from NLC [here](#).

The White House also released [this fact sheet](#) for local governments to use to prepare for funding opportunities under the IJA.

Bureau of Reclamation

The Bureau of Reclamation [recently announced](#) a blueprint for use of the \$1.66 billion it received under the IJA to address drought and water infrastructure in 17 western states, including Texas.

Health and Human Services

The U.S. Department of Health and Human Services [recently announced](#) the release of roughly \$100 million from the IJA to fund the Low-Income Home Energy Assistance Program (LIHEAP). LIHEAP is designed to help vulnerable households pay their outstanding heating and cooling bills. Over \$9 million was allocated towards LIHEAP in Texas under the IJA, and that is on top of the nearly \$135 million allocated to Texas under the American Rescue Plan Act earlier in 2021. Information for individuals interested in applying for energy assistance can be accessed using the link above.

Federal Highway Administration

Updating an item from a [previous *Federal Infrastructure Bill Update*](#), the Federal Highway Administration recently launched the new Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Formula Grant Program, which in total will provide \$537 million to repair Texas bridges. The National League of Cities recently published [a helpful article](#) on the program, which includes some steps to follow to find out if bridges in your city qualify for funding.

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.

COVID-19 Update (No. 216)

All pandemic-related updates, including information about the American Rescue Plan's city-related provisions, will be in the [Legislative Update Newsletter](#) from now on.

County and City Mask Mandates Upheld in Three Courts of Appeals

On November 10, 2021, November 22, 2021, and January 6 of this year, three Texas Courts of Appeals upheld injunctions against enforcement of Governor Abbott's [Executive Order GA-38](#). These injunctions allow local government mask requirements to stay in effect for now, pending full trials of the facts of the cases. The opinions issued by the Third, Fourth and Fifth Courts of Appeals can be found [here](#), [here](#), and [here](#), respectively.

Among other things, the courts concluded that the Governor's emergency authority to suspend certain statutes under Section 418.016 of the Government Code does not include the authority to suspend [Section 418.108](#) or other public-health statutes relied on by local officials in issuing their respective face-covering requirements. On January 25, the State of Texas, through the attorney general, appealed the decisions from the Fourth and Fifth Courts of Appeals to the Texas Supreme Court for review.

OSHA Withdraws its Vaccine and Testing Requirement

On January 26, the Occupational Safety and Health Administration (OSHA) [withdrew](#) its Vaccine and Testing Emergency Temporary Standard (ETS) for large employers in response to an earlier U.S. Supreme Court decision that stayed implementation of the ETS for large employers. (Click [here](#) for more information regarding the OSHA ETS.) In that 6-3 [opinion](#), the court explained that while OSHA is empowered to regulate workplace dangers, the kind of "universal risk" created by the threat of COVID-19 is outside OSHA's regulatory authority. At this point, there is no OSHA COVID-19 vaccine or testing requirement affecting Texas cities.

Texas entities are now subject to CMS's COVID-19 Vaccine Requirement

On January 19, the U.S. District Court for the Northern District of Texas dismissed the State of Texas' complaint challenging the enforcement of a COVID-19 vaccine mandate for staff of certain medical facilities (the "Rule") promulgated by the Centers for Medicare and Medicaid Services (CMS). Click [here](#) for more information regarding the CMS vaccine requirement. Recall that on January 13, in a 5-4 [opinion](#), the Supreme Court of the United States lifted several lower court injunctions that blocked enforcement of the CMS Rule. At that time, the case in Texas was still pending and was not decided by the Supreme Court's action. With the dismissal of the complaint,

affected facilities in all 50 states – now including Texas -- are subject to the Rule, although the timelines for compliance are slightly different, depending on when the Rule went into effect.

On January 20, CMS released updated [guidance](#) for Texas facilities in response to the ruling. Affected facilities in Texas have until February 19 to have their vaccination processes and plans in place and demonstrate that their staff have received the first dose of a COVID-19 vaccine, and by March 21 all staff at affected facilities must be fully vaccinated or have received an exemption.

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

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