

To: Honorable Mayor and Members of the City Council  
From: Paul A. Hofmann, City Manager  
Date: April 22, 2022  
Subject: Weekly Memo, April 18 – April 22, 2022



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## **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 Newly Elected Officials' Webinars – Governing Ethically: Understanding Your Influence**

Date: April 26  
Time: 2:00 p.m. – 3:00 p.m.  
Location: webinar

### **TML Small Town Conference**

Date: May 19– May 20  
Time: All Day  
Location: Fredericksburg

### **City Hall Essentials**

#### **Municipal Fundamentals Seminar**

Date: May 20  
Time: 8:30 a.m. – 4:00 p.m.  
Location: Webinar

### **TML Budget and Tax Rate Workshops**

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

### **TML-TAMCC Newly Elected City Officials' Orientation**

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

## **Smoke Testing of Wastewater Collection System**

Smoke Testing is the fastest and most cost-effective method to find sources of surface water inflow into a wastewater collection system. Common sources of surface water inflow can be traced to roof downspouts, leaking manholes, broken sewer lines or laterals and broken clean-outs. Smoke testing allows city employees to quickly and easily find sources of inflow by observing plumes of smoke escaping from the sewer system. A smoke blower is placed on top of an open manhole and blows smoke directly into the sanitary sewer system. When smoke escapes from any location other than a proper roof vent, this signals a problem that needs to be addressed.

The Water and Wastewater Division of Public Works has conducted smoke testing of wastewater lines in three areas of the City. The areas smoked were Home Depot area (5,100 ft.), Industrial Park (18,459 ft.), and Piney Creek subdivision (7,000 ft.), for a total of 30,559 ft. or 5.788 miles. There were 33 defects found and repaired at a total cost of \$14,361.09 or \$0.47 per foot. This work was completed in 60 hours.

### **Lost Pines Groundwater Control District approval of permits**

Mention was made in the March 4 Weekly Memo of the upcoming LPGCD's public meeting to review and approve permits associated with the Simsboro Aquifer Water Treatment Plant, Well Field, and Transmission Facilities Project.

The public meeting was held on April 4 at Bastrop's Convention Center. Assistant City Manager, Trey Job gave a presentation and answered all the questions the board had. No objections to the permits were submitted. After an Executive Session the board decided to table the item because they had additional questions. Another meeting was therefore required for review and approval.

After the public meeting on April 4, the Director of Engineering and Capital Project Management, Fabiola de Carvalho, and Trey Job, started coordinating with LPGCD's General Manager and their legal counsel, with the assistance of the City Attorney's office, to address questions addressed through the Board's legal counsel.

The 2<sup>nd</sup> public meeting was held on April 20. The permits were approved with the following requirements:

- Authorized Annual Withdrawal: 1,333 acre-feet per year for Well No. 1; Aggregated Authorized Annual Withdrawal: 6,000 acre-feet per year for Wells No. 1, 2, 3, & J.
- Maximum Rate of Withdrawal: 1,500 gallons per minute.
- City is responsible for well plugging at the time of well closure.
- City shall complete a 36-hour pump test for each new well, pay the cost of the test, and report the results to the District.
- The Board approved the variance for the well spacing requirements so that the new wells may be placed within 5,000 feet of the Impacted Well User.
- The District may lease up to one of the City's alluvial wells in the District within 180 days of the completion of the new wells.
- The District may reduce the authorized maximum rate of withdrawal under the permit if the General Manager determines the transmissivity of the aquifer is lower than permitted.
- The terms requiring a mitigation fund were deleted from this permit.

This is very good news for Bastrop's current and future water customers. Significant thanks are due to Trey Job, Fabiola de Carvalho, Curtis Hancock, and James Wilson. Alan Bojorquez and members of his team John Dugdale and Rezzin Pullum, provided invaluable support, especially toward the end when we were faced with unanticipated questions.

We'll provide project updates in the quarterly report.

### **Overheard at City Hall – Season 2**

Season 2 Episode 2 - Talkin' Trash with Tracey - is out now. The City's Utility Billing & Customer Service Supervisor, Tracey Moffett, discusses providing excellent customer service, greeting new residents, and the value of the city's solid waste service. Find the podcast episode on Spotify, Apple Podcasts, or on the City of Bastrop website here: <https://www.cityofbastrop.org/page/city.podcast>

## **Response to Dan Hepner with Bastrop Copier**

At the April 12, 2022 City Council meeting, Mr. Hepner expressed concerns regarding the painted wall sign on the south façade of his building along Chestnut Street. The sign functions as an off-site advertising sign that predates the B<sup>3</sup> Code (and 2006 Sign Code), the sign is considered a legal non-conforming off-premises sign (billboard) and can continue the use with multiple painted advertising signs as it is currently used. For an off-premises sign, a permit is only required when the surface area, shape, orientation, height, illumination, or location is changed.

## **Library News**

The library presented another City Friends Storytime on Wednesday, April 20, with Kimberly Hanly from the City's Water and Wastewater division as the featured guest. Ms. Hanly read a story and talked to the children about the water cycle. She engaged the children with questions during the story and with an activity where the children helped her collect and save all the raindrops.

City Friends Storytime is a recurring program to share information about the City of Bastrop and an opportunity to meet some of the dedicated city employees who help make our town a great place to live.



## **Upcoming Lane Closures**

The U-turn west of the Colorado River is scheduled to be closed between the hours of 8:00 a.m. – 3:00 p.m. on Thursday April 21 and Friday April 22.

Traffic on the East Bound Frontage Road wanting to access the West Bound Frontage Road will need to use the next U-turn to the east.

This will allow the contractor to work on illumination under the river bridges.

## **Youth Summit**

The City of Bastrop partnered with Bastrop County Cares to participate in the first annual Youth Summit. The goal of the event was to convene the youth of Bastrop County to create positive change towards inclusivity, resiliency, and the building of future proactive leaders. The City provided branded reusable water bottles for the student's swag bags. Our Community Impact Manager Candice Butts, volunteered for part of the day, plus ACM Gleason and I sat in on the Resiliency discussion among the students. The event was well-received by both the students and volunteers. Many of our Youth Advisory Council members led the planning of the event.

## **Career Day**

The City of Bastrop partnered with Bastrop Independent School District, the Bastrop Chamber of Commerce, and the BEDC to participate in this year's Youth Career Day. Police, Fire, and Public Works arrived early with their vehicles and equipment to meet with Elementary, Intermediate, and Middle Schoolers and hand out coloring pages outside the Convention Center. Inside, the city had several tables set up (general employment opportunities along with Police and Fire) and discussed with High Schoolers about considering a career serving in their local government.

Additionally, ACM Job, ACM Gleason, Chief Nagy, Chief Rosales, and officer Tamera McIntyre participated in several rounds of afternoon panels with High Schoolers to discuss the immense opportunities in local government across many career fields and levels of education.

## **Kudos to Allison Land, Senior Planner/GIS Analyst**

Congratulations to Allison Land, Senior Planner on passing the Texas Floodplain Management Association exam to become a Certified Floodplain Manager.

In addition, a representative of ESRI complemented the City's GIS/Maps website: <https://open-data-bastrop.hub.arcgis.com/> created by Allison.

*"Hey Allison,*

*I just came across your Open Data Hub site, it looks awesome! It's very clean and well put together. Do you mind if I share it as an example to other local governments in the area?"*

## **Future Agenda Items**

May 10, 2022

- Board appointments by Mayor
- Presentation of the FY2022 quarterly report for Jan-March

## **Attachments**

- TCFP Closure Letter
- TML legislative Update Number # 16



## TEXAS COMMISSION ON FIRE PROTECTION

JUSTIN FOWLER, COMPLIANCE OFFICER  
PHONE: (737)268-7104  
P.O. BOX 2286, AUSTIN, TEXAS 78768-2286  
AUSTIN HQ PHONE: (512) 936-3838

April 21, 2022

Andres Rosales, Fire Chief  
Bastrop Fire Department  
1311 Chestnut St.  
Bastrop, Texas 78602

Chief Rosales:

I have reviewed the documentation that you emailed to me following the compliance inspection conducted at your agency on April 18, 2022. Based on the documentation provided, I will note that your agency has met the compliance requirements, and your file for this inspection period was closed on April 18, 2022.

Once again, I want to thank you for the kind cooperation I received during the compliance inspection process. I also extend my personal thanks to you, for your continued dedication and support toward the mission of the fire service in Texas, and the regulations that enhance the safety of Texas firefighters.

Please contact me at [justin.fowler@tcfp.texas.gov](mailto:justin.fowler@tcfp.texas.gov) or 737-268-7104 if you have any questions or comments regarding the Texas Commission on Fire Protection.

Sincerely,

*Justin Fowler*

Justin Fowler, Compliance Officer  
Texas Commission on Fire Protection  
Central Texas Field Office

# TML LEGISLATIVE UPDATE



April 22, 2022  
Number 16

## **2022 City Tax and Budget Deadline Memos Now Available**

Every year, TML posts a memo containing the annual calendar deadlines for the budget adoption and tax rate setting process. Because the tax rate adoption procedure varies depending on the size of the city, two memos are available: [one for cities under 30,000 population](#), and [the other for cities with populations of 30,000 or more](#). Further, within each document, there are two sets of deadlines depending on whether the city's adopted tax rate will exceed the voter-approval tax rate or not. Whatever the case may be, the deadlines in the document represent the last possible dates for a city to take certain actions related to the budget or tax rate in 2022. Cities should act well in advance of the deadlines in the calendar, if possible.

## **House and Senate Committee Interim Hearings**

The Texas House and Senate Committees have begun their committee work to study interim charges outlined by Speaker Phelan and Lt. Governor Dan Patrick.

This past week, two committees met on city-related charges. The Senate Local Government Committee met to discuss [charges](#) on ballot language and bond elections. TML submitted [written testimony](#) on both charges. An archive video of the committee hearing can be found [here](#). The House Committee on Ways and Means [met](#) on property tax relief and sales tax sourcing. An archive video can be found [here](#).

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 a newly posted notice that was not included in last week's edition of the *Legislative Update*, it is indicated as such.

### **House Committee on State Affairs**

The committee will meet on April 26 at 9:00 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 87<sup>th</sup> Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation, including the following:

- [H.B. 5](#), relating to the expansion of broadband services to rural areas
- [H.B. 1505](#), relating to attachments for broadband service on utility poles owned by an electric cooperative and establishing and funding a pole replacement program for deployment of certain broadband facilities

Information on the hearing, including information on how to register to testify at the hearing, submit comments electronically, and watch the hearing can be found [here](#).

### **House Committee on Transportation**

The committee will meet on April 26 at 12:30 p.m. to hear invited and public testimony on the following charges:

Study current and future transportation needs and consider improvements to ensure that Texas is adequately planning for the state's population growth forecasts. Evaluate the impacts of the COVID-19 pandemic on transportation projects and investment decisions.

Study the impact of the increasing sale and use of electric and alternatively fueled vehicles on revenue predictions for the state highway fund. Recommend a road use revenue equalization methodology to create fairness and parity between gasoline, electric and alternatively fueled vehicles.

Information on the hearing, including how to submit electronic testimony and watch the hearing, can be found [here](#).

## **Senate Transportation Committee**

The committee will meet on May 3 at 9:00 a.m. to hear invited testimony only on the following interim charges:

**Safety:** Study the contributing factors leading to fatal crashes and make recommendations to prevent and reduce traffic fatalities and serious injuries.

**Alternatively Fueled Vehicles:** Review the Texas Department of Transportation's plan for federal funding related to alternatively fueled vehicle infrastructure development. Examine the increase of private and public owned alternatively fueled vehicles registered in the state and make recommendations for road user fee fairness between alternatively fueled vehicles and gasoline and diesel vehicles.

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

## **House Committee on Homeland Security and Public Safety**

The committee will meet on May 3 at 10:00 a.m. to hear invited testimony only on the following charges:

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

- [House Bill 3712](#), relating to the training of and policies for peace officers; and
- [Senate Bill 24](#), relating to the procedures required before a law enforcement agency hires a peace officer.

Study incidents of law enforcement injuries and fatalities to determine those situations that pose the greatest risk to law enforcement. Make recommendations on best practices for increasing and preserving the safety and security of law enforcement officers, including those undercover.

Compare incident crime reporting requirements with those of other states and determine whether a standardized reporting requirement should be implemented for Texas law enforcement. Study opportunities to modernize and improve local and statewide data collection and dissemination throughout the criminal justice system to promote transparency and ensure uniform data collection processes.

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

## **Senate Finance Committee**

The committee will meet on May 4 at 10:00 a.m. to hear invited and public testimony on the following interim charges:

**Inflation:** Review and report on the impact of inflation on units of local governments' revenue collections and property taxpayers' tax bills, including the homestead exemption.

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

## **\*NEW\* Senate Water, Agriculture and Rural Affairs**

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.

**Groundwater Management and Protection:** Evaluate the status and effectiveness of the State's groundwater management process, including data used to support regional water planning and conservation goals. Report on the State's groundwater protection efforts and whether statutory changes are needed to protect groundwater quality.

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

## **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.*

### **Department of Transportation (USDOT)**

The Safe Streets and Roads for All (SS4A) grant program was created by the IIJA and will provide up to \$6 billion in grants over the next five years supporting local programs to prevent roadway deaths and injuries. USDOT [recently announced](#) that the Notice of Funding Availability for the SS4A program is expected to be released in spring 2022. More information on the SS4A program is available from the National League of Cities [here](#).

USDOT's Federal Transit Administration [recently announced](#) a more than \$20 billion investment in American transit in cities of all sizes for fiscal year 2022 due to the IIJA. [FTA apportionment tables](#) for 2022 show that over \$647 million in formula allocations are allotted for Texas.

### **White House**

On April 11, the White House released a [Bipartisan Infrastructure Law Rural Playbook](#) to help local governments in rural areas navigate the programs funded by the IIJA. According to [a press release](#) from the White House, the goal of the playbook is to “provide rural communities with information on the ‘what, when, where, and how to apply’ for funding under the law – so no community needs to hire a lobbyist to access their government.” More information on the handbook and the IIJA's impact on small communities is available from NLC [here](#).

## **Fort Worth Court of Appeals Declares Eight-Liners Unconstitutional**

The Second Court of Appeals in Fort Worth recently [held](#) that eight-liner machines are unconstitutional under the Texas Constitution's provision prohibiting lotteries. The court determined that such machines are lotteries because they award prizes by chance and for consideration.

However, the appellate court did not directly address whether the “fuzzy-animal exception,” which permits the operation of coin-operated machines that dispense only certain small prizes, is

unconstitutional or if that exception is valid on its face but not applicable to eight-liners. If this case is appealed to the Texas Supreme Court, the Court may answer that question in addition to definitively answering the question of whether eight-liners are prohibited by the Texas Constitution.

The League will report on the case if the Texas Supreme Court decides the issue. More information on eight liners is available in [this legal Q&A](#).

## **PUC Adopts Rule for Middle Mile Broadband**

The Public Utility Commission (PUC) [adopted](#) a rule, effective April 21, 2022, governing Middle Mile Broadband as required by [H.B. 3853](#). The League previously reported on H.B. 3853 [here](#). The adopted rule allows amenable electric utilities with excess fiber capacity to establish Middle Mile Broadband Service with internet service providers in unserved and underserved areas of Texas.

## **Task Force on Concert Safety Releases Report**

Last November, Governor Abbott created the Task Force on Concert Safety that brought together music industry representatives and law enforcement groups for several roundtable discussions to analyze concert safety and develop ways to enhance security at live music events in Texas.

On Tuesday, the task force released its [report](#). The report centered on five findings: Unified Command and Control (UCC), permitting, training, planning with risk assessment, and centralized resources. Resource documents that were submitted and used as recommendations are outlined in the [Event Production Guide](#).

## **AG Opinion: Coronavirus Funds Distribution Conforms to the Law**

In July 2021, Senator Brandon Creighton requested an [attorney general opinion](#) related to the distribution of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds by Montgomery County.

Under the CARES Act, counties over 500,000 population received funds directly from the U.S. Treasury, with guidance that the counties should then distribute funds to smaller governmental entities within their jurisdiction. The State of Texas established a distribution methodology that allocated CARES Act funds to smaller entities at a rate of \$55 per capita. According to the Senator's request, of the 12 counties in Texas that received direct allotments from the U.S. Treasury, 11 distributed CARES Act funds to smaller jurisdictions using the \$55 per capita rate. Montgomery County was the only one to use a unique methodology. Senator Creighton specifically asked the attorney general whether a large county which received a direct allotment of

funds from the U.S. Treasury under the CARES Act is obligated to disburse any of those funds to other, smaller government entities within the county using a particular methodology.

In response, the attorney general [determined](#) that there is no statute that requires a large county to distribute CARES Act funds to other governmental entities within the county's jurisdiction. Additionally, the attorney general concluded that there is no statute that requires Montgomery County to use the \$55 per capita methodology which was used by other counties across the state. Without opining on whether Montgomery County's distribution was equitable, the attorney general found no reason to conclude that the distribution was contrary to law.

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