

To: Honorable Mayor and Members of the City Council
From: Paul A. Hofmann, City Manager
Date: April 29, 2022
Subject: Weekly Memo, April 25 – April 29, 2022



Personnel Updates

Trina Miller, Senior Finance Specialist passed the Certified Professional Purchasing Manager (CPPM) examination with a score of 90%.

Daniel Lucas began his employment on April 22 as a Firefighter/EMT.

Amie Cuvelier began her employment on April 27 as a Librarian for Technical Services and Circulation.

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 Small Town Conference

Date: May 19, 2022 – May 20, 2022

Time: All Day

Location: Fredericksburg

City Hall Essentials

Municipal Fundamentals Seminar

Date: May 20, 2022

Time: 8:30 a.m. – 4:00 p.m.

Location: Webinar

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

Bob Bryant Disc Golf Course

The Bob Bryant Disc Golf Course Ribbon Cutting was held Friday, April 22. The ribbon cutting included a welcome by the Mayor and a thank you to all that participated by Barbara Wolanski. Local disc golf enthusiasts and others gave demonstrations. The crowd enjoyed learning more about this sport and networking within local and regional disc golf groups.

Table on Main

Table on Main will be this Sunday, May 1 beginning at 5:30 p.m. on Main Street. The committee led by Main Street Advisory Board Members Rhonda Gannon and Candice McClendon has been working the past several months with local businesses, restaurants, bars, florists, local growers, and other community partners to present a one-of-a-kind dinner for attendees this year.

Farm Street Opry

The Farm Street Opry will be held Thursday, May 5 and will feature Darrell and Mona McCall. Darrell moved to Nashville in 1958 and collaborated with artists such as George Jones, Faron Young, and Ray Price. In 1972, he penned the number one hit "Eleven Roses" for Hank Williams Jr. He has had several other top hits over the years and is an Opry favorite. Paul Hofmann will be the MC for the evening. Crowds continue to grow each month for this monthly concert series.

Preservation Month

In celebration of Preservation Month, Bastrop County Historical Society will be hosting Historic Downtown Walking tours every Saturday in May. Tours will begin at 10:30 a.m. in front of the Visitor Center and Museum at 904 Main Street. Tours will be approximately 45 minutes long and no reservation is required. All tours are free to the public.

Art After Dark

This engaging event held on the first Saturday of every month from 6:00-8:00 p.m. at the Lost Pines Art Center to celebrate arts & culture along with wine and live music. The next event is Saturday, May 7 from 6:00-8:00 p.m. You can meet local artists as they unveil their Bird-themed exhibit, in conjunction with Bird City Weekend. Enjoy live music with Lila Rose from 6:00-7:00 p.m. Admission is free and all are welcome.

BBU – Update

In June, the City of Bastrop will transition its Building Bastrop University informational meetings into a series entitled Our Bastrop: Love Your City. The series will continue to be the third Wednesday of the month at noon. The Our Bastrop series will focus on educating and promoting dialog on the functions of the City of Bastrop as a whole, rather than just the Planning and Development Department. Each month will feature a different department, where a 20-minute presentation on departmental services and functions will be given and an opportunity for questions and dialog will be provided after. The location of the meeting will vary depending on the featured department.

SpringFest

The Children's Advocacy Center along with CASA held the first ever SpringFest in Fisherman's Park on Saturday, April 23 from 11:00 a.m. - 4:00 p.m. Our Recreation, Library, Police Department, and Fire staff participated in the event, providing hands-on activities for the children. During planning the estimated

attendance for the event was five hundred, and although a very windy day, it was estimated that 450 children participated in the day's events. The organizations are hoping to make this an annual event and expand it in the future.

The Gathering

The Cultural Arts Commission hosted its first Gathering event on Wednesday, April 27 from 6:00-8:00 p.m. at the Bastrop Convention Center. Approximately ninety people were in attendance. The event fostered great feedback from the Arts Community, specifically on the networking opportunity and the resources provided. Many attendees were excited about the continuation of the event and raved about its creation.

Movies in the Park

The next Movies in the Park will be held on Saturday, May 7 in Bob Bryant Park. The featured movie is Moana. Come to the park around 7:00 p.m. to participate in activities and stock up on snacks provided by Community support groups, BIRD organizations, Ms. Poppy the Clown, the Master Gardeners, and more. The movie will start when the sun goes down.

MS150 Closures

The Texas MS150 bike ride will be passing through the City of Bastrop on Saturday, April 30. There will be officers controlling intersections, and delays along the route. The righthand lane of SH 71 frontage road from Old Austin Hwy to Ed Bureson will be closed to vehicles. Cyclists will proceed along Old Austin Hwy to Loop 150/Chestnut Street, and through Downtown Bastrop. Motorists should be urged to pay attention to signs and flaggers and be patient.

Chamber Ribbon Cutting

Join the Bastrop Chamber of Commerce for the Grand Opening Ribbon Cutting of First National Bank new branch located at 712 Spring Street, May 5 from 4:00-5:00 p.m.

Solid Waste Contract

The City has contracted with Solid Waste Specialist to assist the City in contract negotiations with our current solid waste provider Waste Connections. We currently are in a contract extension that expires August 2023. The finance staff have been pleased with our current provider and recommended this approach. The consultants are confident that we can negotiate a favorable contract that will be brought back to City Council in August 2022 for review and approval. At that time, the City Council can either accept the negotiated contract or instruct the City Manager to start a Request for Proposal process. This gives us plenty of time to go through this process before our current contract expires.

Pine Forest Unit 6

Concerning the illegal activities occurring in Pine Forest 6, the Police Department will educate and deter persons from camping, off-roading, and making campfires within the City limits of Pine Forest 6. We have parked a patrol car, staged an electronic message board sign that reads the department is enforcing illegal activities, and parked the department's utility vehicle at the entrance of Pine Forest 6 at Winding Pine Drive. We will also reach out to social media groups promoting Pine Forest 6 as an off-road area to deter campers and educate them on the illegal nature of their activities.

Enforcing trespassing in Pine Forest 6 is difficult. Many property owners own land scattered in Pine Forest 6, and it is impossible to identify one plot from another. Regarding off-roading, the department can enforce persons operating non-highway use vehicles such as 4-wheelers, side-by-sides, and dirt bikes from operating on the roads. Persons operating street-legal vehicles are not prohibited from driving on the roads in Pine Forest 6.

Officers have been assigned to close patrol the area not less than two times a day using the UTV.

Future Agenda Items

May 10, 2022

- Board appointments by Mayor
- Reception for new council members
- Presentation of FY 2022 quarterly report for January-March
- American Rescue Plan Resolution

Attachments

- TML Legislative Update Number # 17



April 29, 2022
Number 17

U.S. Supreme Court Upholds Cities’ Ability to Regulate Off-Premise Signs

On April 21, 2022, the Supreme Court of the United States issued an [opinion](#) in the case of *City of Austin v. Reagan Nat’l Advert. of Austin, LLC*. In a welcome ruling for cities, the Supreme Court upheld the City of Austin (Austin) sign ordinance’s distinctions between on-premise and off-premise signs in the face of a free speech challenge.

Austin passed a [sign ordinance](#), which prohibits the installation of new off-premise signs but grandfathers existing signs. Under the ordinance, on-premise signs, but not off-premise signs may be digitized.

Reagan National Advertising of Austin, LLC (Reagan), an outdoor advertising company, applied for permits to digitize some of their off-premise billboards, which Austin denied. Reagan sued Austin, arguing that the on-premise/off-premise sign distinction was a violation of the First Amendment’s free speech guarantees. Reagan argued that Austin’s regulation was content-based and therefore subject to “strict scrutiny,” which would require the city to show that the regulation was narrowly tailored to achieve a compelling governmental interest – an exceedingly high bar. Austin argued that the sign regulation at issue was location-based and content neutral and therefore

subject to, at most, “intermediate scrutiny” requiring it to be “narrowly tailored to serve a significant governmental interest.” While the district court held in Austin’s favor that the sign distinction was content neutral, the court of appeals reversed, finding that the on-premise/off-premise distinction was content-based on its face because a city official needed to read a sign’s message to determine whether the sign was an off-premise sign.

The Supreme Court reversed the appellate court’s ruling. The Supreme Court held that because Austin’s ordinance only asks the reader to make content-neutral, location-based determinations, the ordinance is not subject to strict scrutiny. Ultimately, the Supreme Court concluded that off-premise sign regulations are subject to intermediate scrutiny, and remanded the case back to the trial court to determine whether Austin’s ordinance meets the intermediate scrutiny test. TML will continue to monitor this case.

SLFRF Project and Expenditure Report Deadline Is Tomorrow

The State and Local Fiscal Recovery Funds (SLFRF) Project and Expenditure Report is due **tomorrow, April 30, 2022** for all SLFRF receipts. An [NEU User Guide](#) has been created to assist recipients with logging into Treasury's Portal. More information on the SLFRF program can be found [here](#), including the latest version of the [Compliance and Reporting Guidance](#). For any questions or additional information, please email SLFRP@treasury.gov.

TML Testifies at Committee Hearings

This week, TML testified in the House Committee on State Affairs hearing on [H.B. 5](#), relating to the expansion of broadband services to rural areas. Interested city officials can view the testimony by clicking on the April 26 hearing of State Affairs [here](#) (testimony begins at the 1:48 mark).

The League also submitted [written testimony](#) to the Senate Local Government Committee on two interim charges relating to bond elections and ballot propositions.

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. 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 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 87th 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 committee hearing, can be found [here](#).

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.

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

***NEW* Senate Business and Commerce**

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

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](#).

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)

On April 21, the Federal Highway Administration (FHWA) released [implementation guidance](#) on the [Carbon Reduction Program](#) (CRP) funded by the IIJA, which funds eligible projects designed to reduce transportation emissions. The IIJA provides roughly \$1.3 billion in CRP funding nationwide in each of the next five years. 65 percent of a state’s CRP apportionment must be used in the following areas in proportion to their relative shares of the state’s population: (1) urbanized areas with a population greater than 200,000; (2) urbanized areas with a population of at least 50,000 but no more than 200,000; (3) urban areas with population between 5,000 and 49,999; and (4) areas with population of less than 5,000. Texas will receive over \$123 million in fiscal year 2022 in CRP funding. 2022 allocations to metropolitan planning organizations (MPOs) in Texas over 200,000 can be found [here](#), and 2022 allocations to MPOs between 50,000 and 200,000 can be found [here](#).

Federal Aviation Administration (FAA)

The FAA [recently announced](#) a notice of funding opportunity to apply for \$20 million in fiscal year 2022 Airport Infrastructure Grants for the FAA Contract Tower Competitive Grant Program, which provides grants to eligible airports for airport-owned airport traffic control tower projects. Eligible applicants include cities. Applications for funding are due by May 16, 2022.

The 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](#).

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 calendar deadlines, if possible.

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