

To: Honorable Mayor and Members of the City Council  
From: Paul A. Hofmann, City Manager  
Date: January 21, 2022  
Subject: Weekly Memo, January 16 – January 21, 2021



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### **January 25, 2022, City Council Meeting Time**

Next Tuesday's Council meeting begins with an executive session at 5:00 p.m.

At 6:00 p.m. we will present the Mayor's State of the City video.

The regular meeting is scheduled to begin at 6:30 p.m.

### **Rolling Pines Fire**

The most recent information, as of this writing, is:

- The fire is 70 percent contained
- 812 acres are burned
- No injuries, no habitable structures burned
- No local fire crews are on the scene, the fire is managed by the State Forest Service
- Only a few firefighters are remaining on duty during the night, and they aren't using the shelter provided by the City

I was happy to have the opportunity to watch Chief Rosales on Tuesday afternoon as he coordinated the fire response and provided critical input into the evacuation plan. He calmly and expertly dealt with input from several sources during a rapidly changing situation. Chief Nagy was often the source of important updates and coordinated logistics including the use of our Senior Center for firefighters. Bonnie Pierson, Tanya Cantrell, and Zana Jones made sure the firefighters were fed and comfortable. Persons who worked to clean, set up, and take down the Senior Center are Curtis Hancock, Thomas Martinez, Terry Wendland, Ramsey Ledesma, Robert Reyes, Robert Ybarbo, Victor Brown, Dominic Gonzales, Charlie Elliott, and Wendy Rosas.

Thank you also to the Bastrop Chamber of Commerce for providing food to emergency operations staff and the several agencies in the emergency operations room.

### **SH 71 Entrance Ramp closed one month beginning January 24, 2022**

On Monday night January 24 the SH 71 / SH 21 west bound Entrance Ramp (East of the Union Pacific Overpasses) will be closed beginning at 8:00 p.m. The closure will be in place for approximately one month. Traffic that uses this ramp will stay on the west bound Frontage Road and use the new entrance ramp west of the Colorado River to continue west bound SH 71 / SH 21. This will allow for completing the construction of the retaining wall along the west bound main lanes.

## **Policy Direction to Bastrop Economic Development Corporation**

Council action to consider economic development policy direction is now scheduled for the February 8 City Council meeting. A presentation to the BEDC is scheduled for January 24, 2022, where they will receive a report on the Council workshop held on December 13, 2021. The revised schedule will give us opportunity to react to the BEDC meeting on January 24, 2022.

## **Martin Luther King, Jr. Day 2022 Celebration Program**

A link to the virtual event is: <https://youtu.be/BdeilovHALQ>

## **Time out of Office**

I'm providing ethics training at a Texas City Management Association training session in Austin on Thursday, January 27, 2022.

My wife and I have planned a trip the week of February 14, 2022.

## **Future Agenda Items**

February 8, 2022

- Loop 150 Corridor/Old Iron Bridge professional services
- Economic Development Policy Direction
- Award Grant Administrative Service for FEMA Hazard Mitigation application

February 22, 2022

- Quarterly Report for October-December 2021
- Receive Audit FY Ended September 30, 2021
- Public hearing related to annex - Bastrop Colorado Bend
- Public hearing to amend Future Land Use Map – Colorado Bend
- Public hearing to amend Transportation Plan – Colorado Bend
- Colorado Bend Zoning Concept Scheme

## **Attachments**

- Memo from Jennifer Bills on 709 Spring Street Timeline
- Library February Newsletter
- TML Legislative Update Number #03

TO: Paul A. Hofmann, City Manager  
From: Jennifer C. Bills, Director of Planning & Development  
Date: January 21, 2022  
Subject: Permit Scopes and Timelines for 709 Spring Street

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Mr. Crouch has applied for a series of permits with varying scopes of work for the commercial building at 709 Spring Street.

1. Demolition Permit
2. Certificate of Appropriateness
3. Commercial Remodel

Below is a picture of the rear of the building identifying the various structures noted in the applications.



The major cause of confusion seems to be the continued changing of the scope by the applicant. The process is smoother when the project is defined at the outset of the project and all permits reflect the proposed scope. The scope request in the demolition permit is not the same as the scope listed in the Certificate of Appropriateness, and the scope for the Commercial Remodel includes the reconstruction of the wall along with the entire remodel of the existing building. With three different scopes, Mr. Crouch has not made a singular request to remove and replace the existing wall with the correct building permit.

The City moved to the MyGov online submittal system for several reasons. With building permits and inspections more than doubling over the last three years, the system allows for a more effective application process for staff, while providing departmental operational efficiency by reducing the need for additional employees and eliminating the need for physical file storage. The online comments and process tracking also provides accountability, for both the applicant and staff. With process and code updates happening quickly over the last three years, it has been a learning curve for all involved. Planning & Building Staff continue to take feedback and revise the system and process where it makes sense.

In reviewing the applications and timelines, I have found it difficult to follow one conversation due to the applicant contacting multiple staff members in multiple departments and through various communications methods (in person, email, and MyGov). When this happens on a project, rather than speed up the review, it slows the process down because there may be discussions on changes in scope and information that is not relayed between staff. This leads to more review time and staff must have a higher level of coordination.

The following information is in response to Mr. Crouch's memo – Exhibit A.

**Demolition Scope:**

Applied: 9-14-2021

Application deemed Complete: 9-20-2021

Payment Received: Never received

Application Withdrawn: 11-19-2021

Demolition request as entered by the applicant in MyGov:

“Demolition the lean-to buildings at the back of the property. This work will include the following items to be removed:

1. Roof structure.
2. Wood framed walls.
3. All electrical, mechanical, and plumbing within the added-on space.
4. Metal lean to carport to be removed.
5. All plumbing, gas, water and sanitary will be temporarily capped at ground level or at a location prior to entering the main brick structure.
6. The electrical service to remain in the same location temporarily. A new location will be presented in a separate building permit.”

The application was submitted in MyGov. The initial scope that was requested for demolition was to entirely remove the lean-to buildings, including a wood framed addition and covered parking area that were added over time to the back of the building. Over the course of the discussion from the applicant while staff was requesting outstanding information, several emails were provided that proposed changing the scope, but no information was submitted on the actual application request in MyGov. Mr. Crouch's timeline indicated on day three (Friday) that there was no way to upload documents. This was because he had uploaded incorrect documents for the submittal and wanted to now submit the correct documents. Staff had yet to review (all new applications reviewed on Monday) and set a new upload link in MyGov. The MyGov system requires all review documents to be uploaded on the initial submittal. It does not allow for unrestricted uploading of new documents in order for Staff to manage internal review cycles and ensure reviewers are all reviewing the same version. If an applicant uploads incorrect documents just to turn in the application, staff has to review and send a request for the items required with a new upload link. The application was submitted Tuesday, September 14<sup>th</sup>, and the application was deemed accepted

for review and invoice sent on Monday, September 20<sup>th</sup>. In a parallel email conversation, Mr. Crouch was made aware of the requirement for a Certificate of Appropriateness review that must be completed before a full review of the demolition permit could be conducted. Mr. Crouch refers to asking Debra Adams to upload photos for the project, but these were required for the COA, and he was informed he needed to turn in a separate application in MyGov for the COA. The permit review fee was never paid, and the application never officially entered review.

In Mr. Crouch's memo he includes several requirements and responses on why he does not think they are applicable. Below is a list of the concerns with the reason for their applicability.

- Waste containers – The references he provided for proof that he does not have to use Waste Connections, refer to state legislation regarding County Solid Waste. Through our franchise agreement with Waste Connections, contractors are required to use Waste Connection's roll-off containers (unless the container is privately owned and hauled to a landfill by the contractor). I do not know of any state legislation restricting this ability for municipalities.
- BP&L Review – Information is requested during demolitions, as electrical service and meters are typically connected to the structure. In this case, there is electrical service located in the area requested for demolition.
- Traffic Control Plan – The rear of 709 takes access from the City-owned parking lot and a private driveway from Main Street. The Plan is required when the construction activities or equipment may be located or impact the flow of traffic on street or driveway. Mr. Crouch provide a similar plan for the improvements associated with 921 Main Street.
- Scope modification – this modification was only provided in the COA request not the demolition permit application. The total replacement of the wall still fell under the HLC review because 709 Spring Street is a contributing historical structure in the National Register Bastrop Commercial District.

At the HLC meeting the Commission and Staff recommended that if Mr. Crouch wasn't actually demolishing the wall but replacing the wall, that a commercial remodel permit was the appropriate application because the COA approval was based on wall replacement, not permanent wall removal.

Mr. Crouch states that he submitted a letter to close the demo permit on Friday, November 19<sup>th</sup>.

If the application were to be instated, there is still outstanding information needed to issue the permit.

See Exhibit C for more details on the application timeline.

**Certificate of Appropriateness Scope:**

Applied: 9-30-2021

Application deemed Complete: 10-19-2021

Payment Received: 10-20-2021

Historic Landmark Commission Approval: 11-8-2021

Signed Certificate of Appropriateness uploaded: 11-18-2021

COA Request as entered by the applicant:

“To demo the back wall of the existing lean-to structure on the back of 707 and 709 Spring Street. The existing 2x4 base plate, wall construction including siding is rotted and needs replacement. We would like to request to

demo and replace these items in order to match existing construction. The new construction will match the existing and also will be painted to match.”

It was at this point that the scope of the demolition project changed. The building on Spring Street is a contributing structure within the nationally designated Bastrop Commercial District. As such, it’s COA requires approval from the Historic Landmark Commission. The general weekly schedule for submittals is Monday – Submittal Day, Tuesday – Completeness Checks, Thursday/Friday – Comments issued as Items Required or Review Approved (two-week review standard). The application was submitted on Thursday, September 30<sup>th</sup>. Planning Staff performed the completeness check on Tuesday, October 5 and sent a MyGov request for the items on the COA Checklist that had not been provided. All documents were received for review on Tuesday, October 19<sup>th</sup>. There was a MyGov issue on Wednesday, October 13 preventing document uploads, but Vivianna Andres was able to fix it the same day. As documents were not received until the day before the regular Historic Landmark Commission meeting on October 20<sup>th</sup>, the item could not be posted on the agenda.

The COA for the following scope was approved at a Special HLC meeting on Monday, November 8, 2021,” Replace the rear wall of the addition to the structure with treated plywood siding. New construction is to match the existing and will also be painted to match. No original brick will be removed and no further changes or damages to the original brick wall.”

The information that Allison Land requested for the COA review is what is required by the code for HLC consideration. Pictures of the existing structure with a statement that everything will match does not provide enough detail. It is hard to determine exact building materials from a picture. Additionally, the age of the structure/addition is required to determine if the structure has historical context. Age of an addition is also relevant on various applications to determine if additional asbestos or lead abatement is required.

See Exhibit D for more information on the timeline.

**Commercial Remodel Scope:**

Applied: 11-02-2021

Application deemed Complete: 12-6-2021

Payment Received: 12-14-2021

Permit Approval: Pending completing all review items

The scope for the commercial remodel permit as provided by the applicant includes replacement of the back wall, but also includes a full building remodel. The permit cannot be approved until all of the review items have been addressed; there is no partial approval to just replace the back wall.

- “1. Replacement of rotted wood on rear exterior wall of the lean-to structure the base plate 2x4 and some wood framing and siding have dry rotted and needs to be replaced. The exterior siding is also in need of replacement due to dry rot of the wood.
2. HVAC replacement of all existing units.
3. Add new HVAC ductwork to accommodate heating and cooling of the current floor plan.
4. Plumbing modification to the interior (2) bathroom making them ADA compliant. Bathroom locations to be in approximate current locations. Some concrete removal of the existing floor to accept the revised plumbing fixtures is required.
5. Interior new shower in each bathroom.
6. Electrical service upgrade to meet current City of Bastrop electrical codes.

7. Addition of new ceiling joists and beams to meet 100# per sq.ft. loading on 2nd floor.
8. Install new lighting as needed.
9. Install new electrical outlets as needed.
10. Install new electrical switches as needed.
11. Install sloped flooring at the doorway between the structures to meet ADA requirements.
12. New wood framing for the revised bathroom configuration.
13. Paint entire interior.
14. Refinish interior wood floors.
15. Replace any broken windowpanes.”

Reviewers (ATS, BP&L, Fire) have issued comments. Replies have been received on some of the items by the Applicant, but all comments have not been addressed and the approval is still pending. Once all items are addressed, the Building Official will be able to issue the Commercial Remodel Permit, which includes the scope to remove and replace the back wall.

#### Attachments

- Exhibit A – Memo from Mr. Crouch
- Exhibit B – Demolition Permit Timeline
- Exhibit C – Certificate of Appropriateness Timeline
- Exhibit D – Commercial Remodel Timeline

## Exhibit A – Memo from Mr. Crouch

**Timeline of demolition permit for 707 Spring Street: as of 11-02-2021 7 WEEKS for a simple demo permit to remove a rotted wall on the exterior of 707 Spring Street and replace with the exact materials that the existing wall was made from. The color of the paint was even to be the same.**

**Day 01.** Application submitted: 09-14-2021

**Day 02.** No way to upload

1. **Day 03.** 02-29-2021 . Comment to Shirley Ellis. Attached is the agent authorization form that you requested.
  - The Waste container will be provided by DC Excavation and it will be a 25yard container. The landfill will be EP130 Landfill in Lockhart TX. I cannot provide proof of disposal until after the container is filled and removed for disposal. At that time I can provide the disposal tickets and documentation for your records. It is to my knowledge that per the Texas Statute section 064-034 shows that I can use a different disposal company for the purpose of construction as long as the containers are removed at the completion of the project. See attachment above or click the link below.  
<https://codes.findlaw.com/tx/health-and-safety-code/health-safety-sect-364-034.html>
  - BP&L was listed in the demolition application and shows to be Step 7 (electrical review). I should not need their services until I apply for a separate building permit for the remodel of the interior of this building
  - There should be no traffic control required as the container will be placed in the covered parking area at the back of the property and out of the way of the public access. It will all be on private property.
  - I have modified the project work description to state that we will just demo the back wood framed wall and will leave the ceiling and roof structure in tact. If we do this we should be able to delete the requirement of requesting Historic Landmark Commission approval. The wall will be built in duplication of the existing wall except with new materials.

photos in to MyGov for the Certificate of Appositeness. Debra had to upload for me. See email where MyGov would not accept the photos.

**Day 15 – 09-30-2021** Certificate of Appropriateness submitted.

**Day 16.** Comment from Shirley Ellis stating COA was required: 09-30-2021

COA application started 09-30-2021

Demolition permit on hold until COA received. (see timeline below)

### **Timeline of COA for 707 Spring Street:**

**Day 16.** Application submitted: 09-30-2021 Request to demo the back wall of the existing lean-to structure on the back of 707 and 709 Spring Street. The existing 2x4 base plate, wall construction including siding is rotted and needs replacement. We would like to request to demo and replace these items in order to match existing construction. The new construction will match the existing and also will be painted to match.

Request to demo to interior walls of the bathrooms in order to reconfigure new bathrooms to meet ADA requirements. The

new walls will replace the existing walls, but will conform with current ADA requirements. The electrical and plumbing will need to be demo'd as well and relocated to match the larger bathroom configuration.

**Day 21.** Comments received from Allison Land: 10-05-2021 requesting photos (not included) and description which was already included in original application.

**Day 29.** Applicant response: 10-13-2021: cannot upload photos as required due to a glitch in MyGov. Vivianna Andres uploaded photos.

**Day 35.** Comments received from Allison Land: 10-19-2021 to provide specifications for siding. *Stated in application the siding would match existing siding and painted to match existing color.*

Provide detail on when the addition to the original building was built. *Applicant has no idea when the addition was installed. Why is this relevant? It appears by the type of materials used to have been in the 1980's or 1990's.*

Provide drawing of the proposed new rear architectural elevation. What will building look like when completed? *Applicant stated in the original description that work the materials used would match existing siding and paint color. Why was this required by the City if it was listed in the project work description that it will match existing?*

**Day 36.** 10-20-2021 MISSED HLC AGENDA DEADLINE.

Invoice for payment 10-20-2021

Payment of invoice: 10-20-2021

**Day 46.** 10-30-2021 item requested to be placed on special meeting with HLC for 11-07-2021. This was done in order to wait another month for the HLC to meet.

11-02-2021 still no COA or simple demo permit to replace rotted wood.

**Day 55.** 11-08-2021 HLC meeting to approve COA to replace rotted wood. **Approved unanimously.**

Day 57. 11-09-2021 Email from Debra Adams requesting letter to cancel Demolition permit and combine in to one permit. This was at City's request

**Day 58. 11-18-2021 City Issued COA. 10 days after approval by committee.**

Day 67. 11-19-2021 issue letter to CoB to close Demo Permit as requested **by City**

 Issue demo permit. Not started yet

Issue remodel permit. Not issued yet.

**01-11-2021 NO DEMOLITION PERMIT TO REPAIR THE ROTTED WALL OR REMODEL PERMIT HAS NOT BEEN ISSUED TO DATE. 118 DAYS LATER. This should have been a simple two week permit**

**Exhibit B - Demolition Timeline**

Week	Date	Time	
1	Sept. 14	1:24 PM	Demolition the lean-to buildings at the back of the property. This work will include the following items to be removed: 1. Roof structure. 2. Wood framed walls. 3. All electrical, mechanical, and plumbing within the added-on space. 4. Metal lean to carport to be removed. 5. All plumbing, gas, water and sanitary will be temporarily capped at ground level or at a location prior to entering the main brick structure. 6. The electrical service to remain in the same location temporarily. A new location will be presented in a separate building permit.
	Sept. 14	4:08 PM	Completeness Check - items required step resulted in MyGov by Staff
	Sept. 14	5:27 PM	Items supplied by applicant in MyGov
2	Sept. 20	4:06 PM	Demo permit accepted - invoice created (invoice was not paid)
3	Sept. 29	9:10 AM	Reply to Email from Applicant - The following items need to be addressed prior to full review of the demolition permit application: <ul style="list-style-type: none"> <li>• This demolition will require Historic Landmark Commission approval. The next meeting is in October and the application needs to be completed by Friday to make the agenda. I have attached the correct Certificate of Appropriateness for your use.</li> <li>• David Andre is not the property owner on record. Documentation of Mr. Andre’s authority to sign on the owner’s behalf needs to be provided. This can be an email from the owner or a new Agent Authorization Form, a copy is attached.</li> <li>• Details on the waste container. If the provider is Waste Connectors, a statement including the size is all that will be needed. If not, the container must be owned by you and the container size and landfill location will be required, along with proof of disposal.</li> <li>• Coordination with Bastrop Power &amp; Lights for utility disconnection is required.</li> <li>• Provide a Traffic Control Plan for the public alley and parking lot.</li> </ul>
	Sept. 29	5:03 PM	Notification to Applicant about HLC application deadline is Friday (Oct. 1) and that a reduction in the scope does not negate the requirement. No permit can be issued until HLC approval
	Sept. 30	10:08 AM	Building Review marked items required (HLC Approval) Permit on Hold
4	Oct. 4	5:12 PM	Email sent by Applicant to Staff - HLC documents turned in by applicant, request for HLC meeting date
	Oct. 5	2:14 PM	Staff notified applicant that HLC-COA additional paperwork will be requested through MyGov. Meeting notification will be provided to you - Resulted as Items Required
	Oct. 5	3:03 PM	Photos requested by Allison Land attached
5	Oct. 13	4:46 PM	HLC application acceptance for the planned demo and the remodel for 707 & 709 Spring

	Oct. 13	5:13 PM	Email response to applicant - Project not on HCL agenda due to missing items
	Oct. 14	2::42 PM	Photos sent by email to Vivianna for upload
	Oct. 14	3:00 PM	Applicant sent another email referencing the photos
	Oct. 14	3:12 PM	Staff emailed instructions for uploading photos
	Oct. 14	3:17 PM	Applicant email - Additional issues with uploading photos
	Oct. 14	4:01 PM	Error in MyGov on previous upload - photos now attached
	Oct. 14	2:44 PM	Applicant request via request to remove "Items Required" comment while waiting for application approval
6	Oct. 18	8:30 PM	"Thanks" Reply to Sept. 29, 5:03 PM email from Applicant
	Oct. 18	8:29 PM	Message from Applicant: I do not see an agenda item for projects located at 906 Pine Street or 707/709 Spring Street for the Historic Landmark Commission approvals. Can you let me know why the two items that I requested for the agenda? I turned my items in well in advance of any cut off. There were photos of the interior of 707/709 Spring Street not uploaded, but that was a glitch within MyGov and not in my control. Vivianna can verify this. I do not want to wait another month for my items to be heard.
	Oct.18	8:59 PM	Shirley offered to check and have Allison or Vivianna contact him with details
	Oct. 19	8:32 AM	Message from Applicant by Shirley forwarded to Allison
	Oct. 19	12:00 PM	Applicant email - All items that you requested this morning have been replied to. Let me know if you have any other questions for the permit. The same information has been submitted in the demolition application and building permit.
	Oct. 19	5:53 PM	HLC application received with all required documents in MyGov
	Oct. 19	8:26 PM	Invoice issued to Applicant. Directions on how to pay HLC invoice on-line
7	Oct. 27	8:51 AM	Message from Applicant: I am now past 6 weeks in waiting for a demo permit for 707/709 Spring Street. The project description was just to replace the rotted siding at the back of the property. Can you please let me know what is needed to keep this permit moving forward. I was told that the HLC was going to be asked for a special hearing but have never heard anything else back from that statement with a date.
	Oct. 28	7:11 PM	Posted details from Allison Land email dated 10-29 re: Special meeting
	Oct. 29	9:23 AM	Message from Staff: The permit cannot move forward until the associated Certificate of Appropriateness is approved. We are waiting for responses from the Commission to determine dates and times for their availability. You will be notified as soon as we have established the date and time.
	Oct. 29	9:41 AM	Message from Applicant: I have replied to the request 3 times and the note is still there. If there is a way to turn off the Items Required would be helpful when reviewing the permit status. Every time that I open this project in MyGov it seems that I have something required when I actually have provided everything that I can as of the application date. If there is a way to clear this comment would be helpful.

	Oct. 29	10:40 AM	Email from Shirley - See attached copy of the required items. "Historic Landmark Commission approval required prior to Demolition permit review and issuance. The note will be resulted as corrected once HLC approval is received".
	Oct. 29	11:26 AM	Thanks. I am still waiting on a time for the HLC date and time to meet. Hopefully that happens quickly.
8	Nov. 2	7:14 PM	Posted details from Allison Land email dated 10-29 re: Permit review on hold pending HLC
	Nov. 2	8:15 AM	Electric service will have to be moved, awaiting final decision on location and required service
9	Nov. 11	7:52 PM	HLC approval on 11-8, no HLC paperwork or invoice request documentation
	Nov. 18	8:33 AM	Letter requesting to switch the application to a different representative
10	Nov. 19	8:42 AM	Application withdrawn by applicant via email letter

**Exhibit C - Certificate of Appropriateness Timeline**

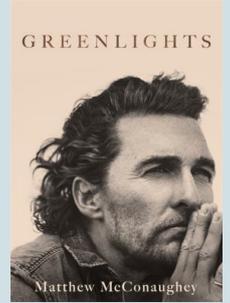
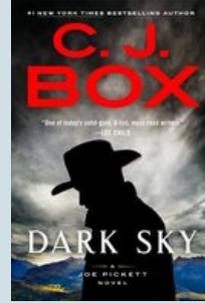
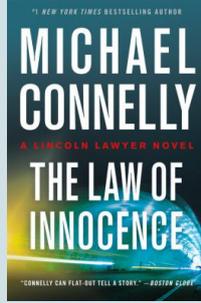
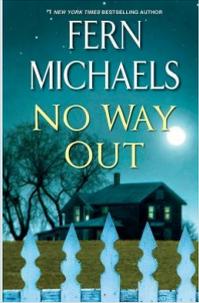
<b>Week</b>	<b>Date</b>	<b>709 Spring Street</b>
1	Thurs. Sept. 30	Submitted application
2	Mon. Oct. 4	Submittal day
	Tues. Oct. 5	Completeness check conducted. Items missing that are required to be a complete application: <ol style="list-style-type: none"> <li>1. Provide pictures and description of the existing conditions.</li> <li>2. Provide pictures and specifications for materials being used on the outside wall.</li> <li>3. Provide detail on when the addition was made to the original building.</li> <li>4. Provide drawing of the proposed new rear architectural elevation (what will the building look like after the work is completed?)</li> </ol>
	Wed. Oct. 13	Mr. Crouch reached out to Development Coordinator about trouble uploading documents.
3	Thurs. Oct. 14	Upload issue resolved and Mr. Crouch uploaded six (6) photographs of the interior and exterior of the structure.
	Fri. Oct. 15	Regular HLC meeting agenda and packet posted (item was not complete to include on agenda).
4	Tues. Oct. 19 appx. 11:30 am	Completeness check conducted. Items were still required to be a complete application.
	Tues. Oct. 19 appx. noon	Responses and pictures provided to all items required. Mr. Crouch emailed Senior Planner that items had been uploaded.
	Tues. Oct. 19 appx. 5:45 pm	Completeness check conducted. All items required are corrected and the application is accepted for review. Senior Planner also replied to the email and stated that all items were corrected, the application was accepted for review, the Planning Tech would create invoice so that Mr. Crouch could pay, and that the application would be in review for the November HLC meeting.
	Tues. Oct. 19 appx 6:45 pm	Mr. Crouch emailed Senior Planner asking why review took so long. He expressed that he thought the application was submitted in time for the October HLC meeting.
	Tues. Oct. 19 appx 8-8:45 pm	Mr. Crouch replied to email stating he did not see a way to pay.
	Wed. Oct. 20	Payment is invoiced and paid.
	Wed. Oct. 20	Senior Planner responded to email regarding review time, explaining the application was not complete, which meant that a review and preparation of HLC packet material was not able to be conducted for the October HLC meeting. In addition, the application was not complete until after the legal requirement for posting an agenda. The packet and agenda had already been posted (see Oct. 15).
	Wed. Oct. 20	HLC meeting held. This item is not on the agenda.
	Wed. Oct. 21	Email conversation held between Mr. Crouch, Assistant City Manager of Community Development, Senior Planner, and City Manager about the project timeline and information, requesting a special meeting, and project information for the 906 Pine COA.
5	Wed. Oct. 27	Staff emailed request for special meeting to HLC Chair. HLC Chair requested that Staff check availability of Commissioners
	Thurs. Oct. 28	Staff verified room availability and emailed Commissioners requesting availability on available dates and times.

6	Wed. Nov. 3	Special meeting called and scheduled for November 8, 2021 at 6:00 p.m.
7	Mon. Nov. 8	Special HLC meeting was held and the COA approved, and the following scope was approved "Replace the rear wall of the addition to the structure with treated plywood siding. New construction is to match the existing and will also be painted to match. No original brick will be removed and no further changes or damages to the original brick wall."

**Exhibit D - Commercial Remodel Scope and Timeline**

Week	Date	Time	Commercial Remodel
	2021		
1	Nov. 2	10:15 PM	<p>Commercial Remodel application Submitted:</p> <ul style="list-style-type: none"> <li>• Remodel of minimal exterior and interior of 707/709 Spring Street as follows:</li> <li>• Replacement of rotted wood on rear exterior wall of the leanto structure The base plate 2x4 and some wood framing and siding have dry rotted and needs to be replaced. The exterior siding is also in need of replacement due to dry rot of the wood.</li> <li>HVAC replacement of all existing units.</li> <li>• Add new HVAC ductwork to accommodate heating and cooling of the current floor plan.</li> <li>• Plumbing modification to the interior (2) bathroom making them ADA compliant. Bathroom locations to be in approximate current locations. Some concrete removal of the existing floor to accept the revised plumbing fixtures is required.</li> <li>• Interior new shower in each bathroom.</li> <li>• Electrical service upgrade to meet current City of Bastrop electrical codes.</li> <li>• Addition of new ceiling joists and beams to meet 100# per sq.ft. loading on 2nd floor.</li> <li>• Install new lighting as needed.</li> <li>• Install new electrical outlets as needed.</li> <li>• Install new electrical switches as needed.</li> <li>• Install sloped flooring at the doorway between the structures to meet ADA requirements.</li> <li>• New wood framing for the revised bathroom configuration.</li> <li>• Paint entire interior.</li> <li>• Refinish interior wood floors.</li> <li>• Replace any broken window panes.</li> </ul>
	Nov. 3	2:34 PM	Staff created an upload document step to complete application because Applicant submitted the incorrect documents
	Nov. 4	1:14 PM	Applicant Submitted - Updated structural drawings in MyGov
2	Nov. 8	4:50 PM	Staff resulted list of Items Required for review in MyGov
3	Nov. 19	8:47 AM	Letter requesting cancellation of Demo Permit and information be moved to the Remodel permit
	Nov. 23	2:54 PM	Staff resulted Items Required in MyGov requesting Agent Authorization and General contractor information
5	Nov. 30	2:34 PM	Staff resulted third Items Required request for outstanding information
6	Dec. 6	8:48 AM	Applicant responded to Nov 30 Items required with 3 items attached
	Dec. 6	4:09 PM	Staff responded to MyGov Items Required that Checklist still missing
	Dec. 8	11:22 AM	Staff sent invoice to applicant
7	Dec. 14	12:08 PM	Applicant Paid invoice

	Dec. 14	10:34 AM	GIS Review- Address correct and no changes needed at this time. The address of 707 Spring St is not an official 9-1-1 address and will not be assigned or recognized until the area is sectioned off from the rest of the building. Use of this address requires approval which is not granted at this time.
	Dec. 14	12:08 PM	Plans sent to ATS (third party reviewer) for building plan review
	Dec. 16	2:09 PM	BP&L Review: 1. Incomplete Electrical Needs Form, 2. No electrical Plans submitted.
8	Dec. 20	1:06 PM	GIS Review completed
	2022		
10	Jan. 3	5:19 PM	Applicant - Attached the revised electrical needs checklist in MyGov
	Jan. 5	7:23 PM	Building Plan Review: ATS Review comments sent to Applicant in MyGov
	Jan. 7	10:23AM	BP&L Review #2 - Electrical request for additional information
11	Jan. 10	10:40 AM	Fire review: 1. Automatic fires sprinkler system required, 2. Walls and soffits within enclosed usable spaces under stairways shall be protected by 1-hour-rated construction.



## IN THIS ISSUE

Favorite Reads of 2021

Save the Date for the  
Book & Plant Sale

Open House 2021 a  
Jolly Success

Scholarship for High  
School Seniors

Stay up-to-date with  
everything happening at the  
library by following us on  
Facebook and Instagram!

Have you checked the bottom  
of your receipt to see how  
much money you've saved by  
using the library?

## Bastrop's Favorite Read of 2021

We love living in a community of readers like you! And you all have great taste in picking books! Many of the most checked-out titles of 2021 were by well-known authors (James Patterson, I'm looking at you) or New York Times Bestsellers for weeks and weeks (Matthew McConaughey biography, I'm looking at you), but some were a surprise– even to us!

Take a look at what your neighbors are reading and try them, too. Make an effort to bring them up for conversation the next time you wave while bringing up the trash cans or while walking your dogs.

- Mystery
  - Dark Sky (#22) by C.J. Box
  - Find it: MYS Box + LT F Box + CD Book F Box + Libby ebooks
- Novel
  - The Midnight Library by Matt Haig
  - Find it: NOV Hai + CD Book F Hai + Libby ebooks
- Romance
  - No Way Out by Fern Michaels
  - Find it: ROM Mic + CD Book F Mic + Libby ebooks
- Sci-fi and fantasy
  - The Invisible Life of Addie LaRue by V.E. Schwab
  - Find it: SFF Sch + CD Book F Sch + Libby ebooks
- Adult nonfiction
  - Greenlights by Matthew McConaughey
  - Find it: g2 McC + CD Book g2 McC + Libby ebooks
- Large print
  - Missing and Endangered (#19) by J.A. Jance
  - Find it: LT F Jan + MYS Jan + Libby ebooks
- Audiobook
  - The Law of Innocence (#6) by Michael Connelly
  - Find it: CD Book F Con + MYS Con + LT F Con + Libby ebooks

CONTINUED ON PG. 2



- Adult DVD's
  - Broken Trail
  - Find it: DVD F Bro
- Kids' DVD's
  - Rio 2
  - Find it: DVD JF Rio
- Picture book
  - Itty-Bitty Kitty Corn by Shannon Hale
  - Find it: E Hal
- 1st reader
  - Pete the Cat's Trip to the Supermarket by James Dean
  - Find it: 1st R Dea
- Chapter book
  - Guts by Raina Telgemeier
  - Find it: JF GRN Tel + Libby ebooks
- Juvenile nonfiction
  - Minecraft: Guide to Ocean Survival by Stephanie Milton
  - Find it: J 794.815 Min
- Young adult
  - Komi Can't Communicate, volume 1 by Oda Tomohito
  - Find it: YA GRN Kom

Happy reading!

## Open House 2021 a Jolly Success

Thank you to everyone who joined us in the festivities at Bastrop Public Library's Annual Holiday Open House of 2021! It was wonderful to see all the smiles, the expressions of joy, the kids in festive gear, and to catch up with all of you!

Thank you to our wonderful musicians Mary Smith, accordion; the Honor Choir; and youth cellists from the Little Heart Talent Education for sharing their talent and creating a merry atmosphere.



Thank you to the various City of Bastrop departments for decorating masterpieces for this year's Great City Decorating Contest! Everyone was wowed by the entries, and it was a hard decision on whom to vote for, but the Bastrop Police Department's entry was this year's winner!

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Have some favorite authors? Arrange to receive new items by selected authors automatically. For more information, contact the Information desk or email us at [info@bastroplibrary.org](mailto:info@bastroplibrary.org)

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Have you heard about Learning Express - Computer Skills Center? Use the materials in this center to learn the basics of a computer, from searching the Internet to using popular programs for word processing, creating spreadsheets and databases, implementing design, and more. Visit the Information desk to learn more!

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Going out of town? You can defer your reserves until you get back. For information, contact the Circulation desk.



1100 CHURCH ST.  
BASTROP, TX 78602

As always, a highlight of the day was the kids decorating graham cracker houses!



And the teens successfully decorated the library's float for the Lighted Christmas Parade!

Lastly, thank you to all of our wonderful volunteers! Without you, the day wouldn't have happened!

We greatly appreciate everyone who helped make our Annual Open House a wonderful day. We hope you will make plans to join us next year.

## Scholarship for High School Seniors

Is your high school senior looking for scholarships to help pay for college? If they have volunteered at the Bastrop Public Library, then they are eligible to apply for the scholarship awarded by the Friends of Bastrop Public Library!

To apply, fill out an application, which is available online or in the high school counselor's office. Applications are due March 1, 2022, and they can be mailed to the Friends or dropped off at the library.



If your teen isn't a senior yet, but would be interested in volunteering so that they can be eligible for the scholarship by the time senior year rolls around, they can learn more about being a teen volunteer and apply online. If they have questions, please email Bethany, Teen Volunteer Coordinator, at [bdietrich@bastroplibrary.org](mailto:bdietrich@bastroplibrary.org).

## Save the Date



The Friends of the Bastrop Public Library and the Lost Pines Garden Club will be holding their annual Book and Plant Sale this spring! Mark your calendars for Friday, April 29th and Saturday, April 30th for cheap reads and great plants. Proceeds support the Bastrop Public Library.

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For more information on the Book & Plant Sale, visit our website or Facebook page.

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The TexShare Databases allow you to access over 27,000 journals, over 171,000 ebooks, and over 15 million images, videos, and interactive resources. For more information please contact the Information Desk.

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Read a good book recently? Tell us about it by emailing [info@bastroplibrary.org](mailto:info@bastroplibrary.org)

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Stay up-to-date with everything happening at the library by following us on Facebook and Instagram!



# We Suggest!

We're expanding who is writing newsletter reviews so that we can get a variety of genre suggestions for all types of readers! If you've read a book and want to write a positive review for the newsletter, please email Bethany at [bdietrich@bastroplibrary.org](mailto:bdietrich@bastroplibrary.org).

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Carmen Serna, Children's  
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Bethany Dietrich, Public  
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Administrative Services

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Terry Carwell, Library  
Associate, Circulation  
Services

## Hours

Mon. Wed. Fri.  
10:00 am – 6:00 pm

Tues. & Thurs.  
1:00 pm – 9:00 pm

Sat.  
10:00 am – 4:00 pm

Closed Sunday

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City of Bastrop

### **Dianne Tripp, Friend of the Library**

#### **The Push by Ashley Audrain**

I flew through this book. It is psychologically fascinating, visceral, and intense as it explores the question, "Do you really know those closest to you?" It reminded me of the 1956 thriller "The Bad Seed." Excellent first novel for Audrain!

**Find it: MYS Aud + Libby ebooks**

### **Brenda Smith, library volunteer**

#### **The Echo Wife by Sarah Gailey**

Evelyn's husband, Nathan, has been cheating on her... with a clone he developed. Martine looks like Evelyn but does not behave the same. When Martine kills Nathan in self-defense, we begin to wonder: what does it mean to be human? Does an abusive upbringing determine our adult traits? Can a clone develop emotions? And then there is the impossible: Martine is pregnant. Full of twists and turns, this amazing book is highly recommended!

**Find it: MYS Gai**

### **Becky Bennet, library board member**

#### **When We Were Orphans by Kazuo Ishiguro**

Famous London detective Christopher Banks recalls his childhood in Shanghai and the disappearances of his parents when he was nine years old. He spends 20 years researching his most pressing case and finally returns to Shanghai to solve the mystery and rescue his parents. I read this book because I loved Ishiguro's most recent novel, Klara and the Sun. Although this novel is much different from Klara, it is no less a compelling masterpiece. The narrator's voice is objective, sometimes detached, as you would expect from a detective. However, the mystery of his parents is secondary. This novel is really an examination of the fallibility of memory and how people delude themselves.

**Find it: NOV Ish**

### **Bethany Dietrich, library staff**

#### **Amari and the Night Brothers by B.B. Alston**

Six months after Amari's older brother goes missing, she gets an unexpected package: a brightly colored (and very garish) suit and an invite to attend the summer camp her brother had gone to all those years ago. Amari goes, planning on figuring out why her brother disappeared, but she gets a big surprise upon arrival: the supernatural is real, and Amari has unique- dangerous- powers that had previously been dormant. Now she must convince everyone she's not evil, make friends, solve the mystery of her brother, AND win the junior Bureau training program. This middle grade novel is perfect for 4th-8th graders and is like a mash-up of Harry Potter and Meet the Robinsons; it was such a fun read!

**Find it: JF Als + CD Book JF Als + Libby ebooks**

\*\*This is a physical copy of our electronic newsletter. If you'd like to receive the electronic version, please email us at [info@bastroplibrary.org](mailto:info@bastroplibrary.org).



# Legislative UPDATE

January 21, 2022  
Number 3

## **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.*

### **National Telecommunications and Information Administration (NTIA)**

Under the IIJA, the NTIA is responsible for distributing more than \$48 billion in broadband funding through several different programs. On January 7, the NTIA announced an opportunity for stakeholders to submit input and recommendations for consideration in the development of NTIA broadband programs. Comments are due on Friday, February 4 at 4:00pm (CST). More information on NTIA's Request for Comment, including the questions on which NTIA is seeking public comment, can be found [here](#).

The NTIA is also hosting a series of virtual listening sessions throughout January and February in connection with the broadband programs to be developed pursuant to the IJA. The dates of the listening sessions and registration information can be found [here](#).

### **Federal Highway Administration (FHWA)**

Last week the FHWA announced the launch of the new Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Formula Grant Program. The [five-year total funding](#) under the program for Texas is just over \$537 million, with [fiscal year 2022 totals](#) for Texas at over \$107 million (\$91 million for federal highway bridges, \$16 million for “off-system” bridges). Under the IJA, FHWA allocates funds to the states using a formula based on bridges in poor condition (75% of the formula) and fair condition (25% of the formula), with a \$45 million minimum apportionment for each state. [According to the FHWA](#), 818 bridges in Texas are deemed to be in poor condition.

Federal funds under the program will flow through the TxDOT, and cities will ultimately need to work with TxDOT to shape how funds are distributed at the local level in Texas. FHWA program guidance can be found [here](#).

### **National League of Cities (NLC)**

NLC has announced its [“Ready to Rebuild” webinar series](#) focusing on providing information on the IJA. The webinars will feature federal officials and guest experts “to prepare communities of all sizes to learn about new and renewed programs and how your community can access and optimize the opportunities available.” Follow the link above for more information, including the calendar of upcoming webinars.

## **Texas Broadband Office Seeks Input on Pole Replacement Program**

The Texas Broadband Office is seeking input on [proposed rules](#) on the Broadband Pole Replacement Program. The rules implement the establishment of a Broadband Pole Replacement Program created by [H.B. 1505](#). The program will reimburse pole owners or broadband service providers eligible replacement costs while targeting unserved areas to accommodate the attachment of an eligible broadband facility.

Comments are due January 30, 2022 and may be submitted to Greg Conte, Director, Texas Broadband Development Office, Data Analysis and Transparency Division, at [broadband@cpa.texas.gov](mailto:broadband@cpa.texas.gov) or at P.O. Box 13528, Austin, Texas 78711.

## **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](mailto:transparency@cpa.texas.gov) or (844) 519-5676.

## **Don't Forget: Mandatory Eminent Domain Reporting**

Legislation passed in 2015 requires cities to annually fill out a web-based form with the comptroller relating to each city's statutory eminent domain authority. Instructions for reporting can be found [here](#). The three-month reporting period began on November 1, 2021 and closes on **February 1, 2022**. However, reports may be updated at any time throughout the year. The failure to fill out the form could result in a maximum \$2,000 penalty against a city.

The entry should be, for almost every city, an update of previously filed information, including whether the city exercised its eminent domain authority in the preceding calendar year by filing a condemnation petition under Section 21.012, Property Code. This was clarified to some degree for certain cities by legislation that passed in 2021. [S.B. 157](#) provides that—for cities under 25,000 population—an annual report must be filed only if the city's eminent domain authority information has changed from the previous year. If the city's information has not changed from the previous report, the city must use the comptroller's reporting tool to confirm the accuracy of the previous information by electronically updating the filed report with the comptroller. Of course, any city that never filled out the form as required should do so now.

City officials with questions about the requirements can contact the comptroller's transparency team by email at [transparency@cpa.texas.gov](mailto:transparency@cpa.texas.gov) or (844) 519-5676.

## **COVID-19 Update (No. 215)**

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.

### **Texas Supreme Court Issues 47th Emergency Order of the COVID-19 Pandemic**

The Supreme Court has renewed and amended its 45th Emergency Order which, among other things:

- Allows justice and municipal courts to suspend or modify trial-related and pretrial hearing deadlines through March 1, 2022;
- Urges justice and municipal courts to “move swiftly to return to regular pretrial and trial proceedings as soon as reasonably feasible before March 1, 2022;”
- Continues the authority of courts to modify certain procedures and deadlines in child-protection cases; and
- Allows courts to continue to use reasonable efforts to hold proceedings remotely with certain exceptions or actions required.

The complete Order can be found [here](#).

### **U. S. Supreme Court stays OSHA's COVID-19 Vaccine Requirement for Large Employers**

On January 13, the Supreme Court of the United States stayed implementation of the Occupational Safety and Health Administration (OSHA) COVID-19 vaccine mandate for large employers. (Click [here](#) for more information regarding the OSHA vaccine requirement and its inapplicability to Texas cities.) In a 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. Additionally, the OSHA rule is overly broad and not tailored narrowly enough to protect those workers “where the virus poses a special danger because of the particular features of an employee's job or workplace.” The court held that because the rule likely exceeds OSHA's statutory authority, the applicants challenging the rule are likely to prevail on the merits of their claims and that implementation of the requirement should be stayed while the cases proceed through the lower courts.

### **U. S. Supreme Court upholds CMS's COVID-19 Vaccine Requirement – Texas Still Under Injunction**

On January 13, the Supreme Court of the United States lifted lower court injunctions that blocked enforcement of the Centers for Medicare and Medicaid Services (CMS) COVID-19 vaccine mandate for staff of certain medical facilities. (Click [here](#) for more information regarding the CMS vaccine requirement.) In a 5-4 [opinion](#), the court explained that receipt of Medicare and Medicaid funds, “have long included a requirement that certain providers maintain and enforce an ‘infection prevention and control program designed . . . to help prevent the development and transmission of communicable diseases and infections.’” Additionally, the court agreed that Congress has authorized the Secretary of Health and Human Services to promulgate, “requirements as [he] finds

necessary in the interest of the health and safety of individuals who are furnished services in the institution” participating in the Medicare or Medicaid programs and that vaccination requirements are within the Secretary’s statutory authorization. Consequently, the court will allow the CMS vaccine requirement to take effect as the lower court cases move through the courts.

CMS released updated guidance in response to the ruling, which can be found [here](#). Affected facilities have until February 13 to demonstrate that their staff have received the first dose of a COVID-19 vaccine and until March 15 for facilities to demonstrate full compliance.

**Texas Still Exempt from Enforcement of CMS Rule:** Twenty-five states were already subject to the rule as originally promulgated by CMS, and the Supreme Court ruling affects twenty-four additional states. Texas is the sole state with an [injunction](#) in place still barring implementation of the CMS rule. TML will continue to monitor and update as news develops.

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

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