

TO: Honorable Mayor and Members of the City Council
From: Paul A. Hofmann, City Manager
Date: May 28, 2021
Subject: Weekly Memo, May 28, 2021



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Personnel Updates

The Public Works department promoted two employees. Blake Brosh was promoted to Equipment Operator II, and Leonard Faske was promoted to Equipment Operator 1.

Memorial Day Holiday

City offices will be closed on Monday May 31 in observance of the Memorial Day Holiday.

Notice of violation letter from TCEQ

On May 6, we received a violation letter from the Texas Commission on Environmental Quality regarding lead and copper sampling performed by the City. It is important to note that the City is not in violation of analytical water quality parameters. The violation letter is the result of required customer notifications not being sent by the City. TCEQ requires we send notices to the owners of property from which samples are taken. The required letters were mailed to the customers on May 20. At this point we do not know what the outcome of the violation will be. Steps have been taken to ensure this does not happen again.

Letter of intent for creation of Municipal Utility Districts (MUD's)

On May 12, we received the attached letter of intent to file a petition to create Bastrop County Municipal Utility District Nos. 3 and 4. These residential and mixed-use developments would be at SH 21 and FM 812. A meeting with the developer is scheduled for next week.

No June 7 Joint Workshop with BEDC

The workshop scheduled with the Bastrop Economic Development Council scheduled for June 7 will need to be rescheduled to a date in July. We will keep you posted.

Project Gummy Bears Update (292 Industrial, 402 Technology, 910 Water Street)

The construction of a new fire wall and an overall remodel continue at the 292 Industrial Drive location. The next phase of Project Gummy Bears has begun and a building permit for 402 Technology has been issued so construction can start. The scope of the work is remodeling of approximately 4,000 square feet of the 14,000 square foot building. Once the work at 292 Industrial Dr. is complete the cabinet shop currently located at 910 Water Street can move to the new location on Industrial Drive.

Proposal for Disc Golf at Bob Bryant Park

Public Works Director Curtis Hancock has been meeting with residents and the Lost Pines Alliance Disc Golf Club about the development of a disc golf course at Bob Bryant Park. The idea is to use volunteer labor toward the development of the course, and to hold a fundraiser tournament, using baskets borrowed from Waterloo Disc Golf, to raise funds for permanent baskets donated to the City.

The Parks Board has considered this plan and has recommended approval.

Disc golf provides upper and lower body conditioning, aerobic exercise, and encourages concentration skills. Disc golf is also a great activity the whole family can play together, and it can be played from school age to old age.

Scheduled Time out of Office

The annual Texas City Management Conference is scheduled to be held June 10 -14 in Round Rock. I will be co-presenting on the TCMA Code of Ethics on Saturday June 12.

I plan to take vacation days June 18 – 25.

Summer in the City

Summer in the City is next weekend, Saturday, June 5th from 11 AM – 5 PM! Downtown Bastrop will be filled with live music, food, games, children's activities, City of Bastrop Touch a Truck, art, cornhole, Library Summer Reading Program and Community Adventure, and much more! The City is promoting the event through a paid and organic social media campaign, on the Overheard at City Hall podcast on YouTube, Spotify, and over BTXN-TV, and with banner signs on several buildings downtown that have received their temporary sign permits.

Memorial Day Ceremony

This Monday, May 31 at 10 AM at Fairview Cemetery is the 19th Annual Memorial Day Ceremony "Remembering Those Who Served." This event is hosted by Bastrop HS NJROTC and VFW Posts 2527, 6115, & 12104 and contains a laying of the wreath, 21-gun salute & flyover (depending on weather.) Bring lawn chairs and umbrellas. This is a 45-minute "rain or shine" event.

Future Agenda Items

June 8, 2021

- Presentation on FEMA Flood Hazard Maps and City Storm Drainage Manual
- Amended Council Focus Areas
- Consider a resolution approving a Public Plan Agreement with West Bastrop Village MUD Section one.
- Second Reading of Sign Ordinance
- Second Reading of Scooter Ordinance

June 22, 2021

- Hold Public Hearing on Hunters Crossing PID service plan and proposed assessment levy
- Public Hearing and consider action to approve a Development Agreement with Bastrop 552
- Proposal for disc golf facilities at Bob Bryant Park

July 13, 2021

- Authorize issuance of Certificates of Obligation
- Consider Resolution to amend Rules of Procedures
- River Loop Project Contract Award
- Presentation of Updated Employee Handbook (rescheduled)
- Presentation of 3rd. quarter report

Attachments

- TML Legislative Update Number 20
- Notice of Intent to file petition to create MUDs.
- FY 22 Air Quality Program Funding Request
- Bastrop Advertiser article on Agnes Street



Legislative UPDATE

May 28, 2021
Number 20

87th Legislature Nears Finish Line: Final Update

With the regular session of the 87th Texas Legislature set to draw to a close on May 31, the hard work of city officials across the state to promote good policies that benefit city residents is evident. No session produces 100 percent positive results, but city officials should be proud of the level of engagement they maintained with elected state leaders over the past 136 days, and encouraged by the results.

The focus of League staff will soon shift to summarizing the city-related legislation that has passed. Additional detail about that legislation will be included in future *Legislative Update* articles, including the “wrap-up” edition containing summaries of every city-related bill that passed.

There are a few updates on some major city-related bills in the waning days of session:

- **Community Advocacy:** [S.B. 10](#) (Bettencourt) passed the House State Affairs Committee, in a modified form from the version that passed the Senate, and was set on the calendar for consideration by the full House this week. The House committee substitute for S.B. 10 applied to most political subdivisions and required a vote of the governing body to authorize a contract with a person required to register as a lobbyist. The bill required a political subdivision to post a copy of the lobby contract on its website, including other information like the amount spent on contract lobbyists and membership fees or dues to nonprofit state associations or organizations. The bill also prohibited a city from reimbursing a lobbyist for expenditures on food, drink, and

entertainment and prohibited lobbyists who contract with political subdivisions from advocating on property tax rates.

Many in the Texas House viewed the House committee substitute as a more reasonable measure than earlier iterations of S.B. 10. However, when it became clear that a consensus in the House could not be reached on the committee substitute to S.B. 10, the House sponsor postponed the bill until September 18, 2021 – a procedural move that means the bill will not pass this session. .

- **Debt Restrictions:** [H.B. 1869](#) (Burrows) has passed the House and Senate. The bill now goes back to the House, where Representative Burrows can choose to concur with the Senate amendments or else request the appointment of a conference committee to iron out the differences between the two versions.

As filed, this bill would have modified the definition of “debt” for purposes of the debt service property tax rate calculation to only include debt approved at an election. The House improved the bill by giving cities the ability to debt finance certain infrastructure and equipment. The version of H.B. 1869 that passed the Senate is very similar to the version that passed the House, with the main difference that the Senate version omits an alternative definition of debt for taxing units in certain counties. Both versions largely leave intact the ability of cities to issue debt obligations like certificates of obligation and tax notes for capital projects and equipment for most projects.

- **Law Enforcement Funding:** [H.B. 1900](#) (Goldman) has passed the House and Senate. H.B. 1900 would impose numerous penalties on cities with populations of 250,000 and above that adopt budgets that, when compared to the city’s budget in the preceding fiscal year, reduces the appropriation to the city’s police department. Penalties include a property tax limitation, sales tax withholding, annexation restrictions, utility rate restrictions, and a requirement to pay for and hold disannexation elections in every area annexed by the city over the preceding 30 years.

As it passed the Senate, H.B. 1900 was amended to provide that sales and use tax revenue received by a city for the purpose of financing a crime control and prevention district does not count towards the amount appropriated to a police department for purposes of making a “defunding” determination. This exemption is in addition to other exemptions already in the bill relating to the receipt of grant funding, and exemptions for capital expenditures related to law enforcement, disaster spending, or any other reason approved by the governor’s Criminal Justice Division. The bill was also amended to add narrow limitations to the annexation and utility rate restriction penalties.

H.B. 1900 now returns to the House, where Representative Goldman can concur with Senate amendments or request the appointment of a conference committee on the bill.

- **ETJ Release:** Late last week, [H.B. 3476](#) (Schofield), a bill originally dealing with design standards for retail water and sewer utilities in certain large cities’ extraterritorial jurisdiction, was amended on the Senate floor to authorize landowners in all but two

cities to petition a city for release from the city's ETJ if the city does not provide water or sewer service to the landowner. Essentially, the amendment would mandate cities under 1.3 million in population to provide utilities in the ETJ or be prepared to release property from the ETJ.

At the time of this writing, H.B. 3746 is considered to be an item eligible for consideration in the House, where the Senate amendment may be subject to a point of order for not being germane to the bill.

- **Property Tax Rate Calculation During Disaster:** [S.B. 1438](#) (Bettencourt) passed both the House and the Senate, though in different forms. The bill, as filed and as it passed the Senate, would modify the tax rate calculation provision for taxing units during a disaster to restrict a city from opting into an 8 percent voter-approval rate calculation during a pandemic or other disaster in which property is not physically damaged. As we reported in our [May 7th Legislative Update](#), two floor amendments were added to the bill in the House that are potentially damaging to city recovery efforts following a disaster. S.B. 1438 is currently being considered in a conference committee that will reconcile the differences between the two chambers.

Bills on the Move

Significant Floor Action

[H.B. 3 \(Burrows/Birdwell\)](#), relating to the Texas Pandemic Response Act. Passed the Senate.

[H.B. 492 \(Wu/West\)](#), relating to no-knock entries. Passed the Senate.

[H.B. 738 \(Paul/Nichols\)](#), relating to building codes. Sent to Governor.

[H.B. 929 \(Sherman/West\)](#), relating to body worn cameras. Passed the Senate.

[H.B. 1869 \(Burrows/Bettencourt\)](#), relating to debt financing. Passed the Senate.

[H.B. 1900 \(Goldman/Huffman\)](#), relating to law enforcement funding. Passed the Senate.

[H.B. 1927 \(Schaefer/Schwertner\)](#), relating to permitless carry. Sent to Governor.

[H.B. 1929 \(Wilson/Buckingham\)](#), relating to ETJ development agreements. Passed the Senate.

[H.B. 1938 \(Jetton/Kolkhorst\)](#), relating to body worn camera grants. Passed the Senate.

[H.B. 2073 \(Burrows/Springer\)](#), relating to quarantine leave for fire fighters, peace officers, and emergency technicians. Passed the Senate.

[H.B. 2723 \(Meyer/Bettencourt\)](#), relating to tax rate notice. Sent to the Governor.

[S.B. 3 \(Schwertner/Paddie\)](#), relating to utility preparedness. Passed the House.

[S.B. 6 \(Hancock/Leach\)](#), relating to pandemic liability. Passed the House.

[S.B. 14 \(Creighton/P. King\)](#), relating to employment policies. Passed the House.

[S.B. 24 \(Huffman/Bonnen\)](#), relating to law enforcement hiring practices. Passed the House.

[S.B. 68 \(Miles/Reynolds\)](#), relating to duty to intervene. Passed the House.

[S.B. 69 \(Miles/White\)](#), relating to prohibition to chokeholds. Passed the House.

[S.B. 877 \(Hancock/Morrison\)](#), relating to building inspections. Passed the House.

[S.B. 2212 \(West/Thompson\)](#), relating to the duty to render aid. Passed the House.

COVID-19 Update (No. 188)

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.

Treasury Releases Information about Small City Recovery Funds

The U.S. Treasury Department has released a [web page](#) with American Rescue Plan Act information expressly for small cities, technically referred to as non-entitlement units of local government (NEUs), which are those typically serving populations of less than 50,000.

While the city officials in smaller cities should review all the information on the page, it is technically more of a guide for states, through which these funds will be distributed. [Treasury's guidance on NEUs](#) provides a step-by-step guide for states to allocate and distribute funds to their NEUs.

State governments must affirmatively request the funds from Treasury and are then responsible for distributing them to their NEUs. Award amounts are based on the population of the NEU, and the Act prohibits the state from placing restrictions on spending. (Of course, Treasury guidance on the last round of funding did so as well, but TDEM limited the use of that money anyway.) Treasury will send the funds to the state in two tranches, with the second tranche payment to be made no earlier than 12 months after the date after the first. Once received, the state has 30 days to distribute the funds.

One important Treasury limitation is that the total amount to be distributed to an NEU may not exceed the amount equal to 75 percent of its most recent budget as of January 27, 2020.

Neither the governor's office nor TDEM has provided any information as to the timeline or process they will use to request and distribute funds. The League will provide updates as they are available.

Coronavirus State and Local Fiscal Recovery Funds

Nothing new has been reported from Treasury or the Texas Division of Emergency Management regarding stimulus funds. You can look to archived editions of the [Legislative Update](#) for what has been reported so far.

Reminder: TML Coronavirus Updates are archived by subject [here](#).

Federal Appeals Court: **Your Cable Franchise Fee May Be Reduced**

On May 26, the United States Court of Appeals for the Sixth Circuit issued an [opinion](#) in *City of Eugene, OR v. Federal Communications Commission*. The opinion comes on the heels of a nationwide city coalition's legal challenge to proposed 2018 Federal Communications Commission rules. The rules would allow cable companies to deduct the fair market value of a wide range of franchise obligations, including public, educational, and governmental (PEG) channel capacity and other PEG-related franchise requirements, from their existing franchise fee payments.

The Court of Appeals upheld some parts of the FCC rules and overturned others. Of most relevance to Texas cities, the court upheld the FCC's decision to redefine non-cash franchise obligations, like PEG channels and in-kind services, as franchise fees. That means those obligations can be deducted from the five-percent franchise fee. The opinion's silver lining is that cable providers don't get to unilaterally decide the value of the obligations. Rather, the value must be objectively-based on the provider's actual costs.

What is the bottom line? If the legal challenge ends here or is unsuccessful, cities that operate PEG channels will see reductions in franchise fee payments from cable operators.

League staff will continue to participate in these proceedings and report on future activity.

Texas Commission on Environmental Quality Survey for Water Systems

A Texas Commission on Environmental Quality (TCEQ) team is currently working on recommendations to: (1) develop new or improve existing state rules and regulations; and (2) determine training and assistance needs to help Texas public water systems be better prepared for future severe weather-related events.

To do this, TCEQ developed a [survey](#) to gather data to assist the agency in drafting the recommendations to enhance critical infrastructure resilience for Texas' public water systems. TCEQ would like water systems, including those Winter Storm Uri did not impact, to complete the survey. The survey will assist TCEQ to learn about the challenges water systems faced that week and best practices that helped to mitigate the impact of the storm. The website address for the survey is www.tceq.texas.gov/goto/survey-uri.

If your city has questions about the survey, you can email Winterstorm_PWS@tceq.texas.gov.

Additionally, TCEQ will have stakeholder meetings this summer on the issue. If you would like to participate in TCEQ's stakeholder meetings, please visit the following TCEQ webpage at www.tceq.texas.gov/goto/after-uri to check for dates and registration information.

Don't Forget: Mandated Cybersecurity Training and Reporting Due in June

Texas Government Code Section 2054.5191 requires city employees and officials who have access to a local government computer system or database to complete a Texas Department of Information Resources (DIR) certified training program. Training must be completed by **June 14, 2021** and cities must certify their training compliance by **June 15, 2021**, using the [Cybersecurity Training Certification for State and Local Governments](#) form.

The Texas Municipal League Intergovernmental Risk Pool (TML IRP) has three DIR-certified options available free of charge. TML IRP's free cybersecurity training program can be accessed on TML IRP's cybersecurity training [web page](#), through its [YouTube Channel](#), or the [online learning center](#).

Information about other DIR-certified training programs is available on the agency's [web page](#). Once your employees and officials complete the training, your city may choose any method to track the compliance of individual employees and officials. DIR has an optional tool, Texas by Texas (TxT), for cities to track the training compliance of their employees and officials. For cities using TxT, employees will self-report their training completion, and DIR will send a report from the TxT application to each city to verify training compliance. Cities that wish to use TxT should indicate their interest by submitting the [Texas by Texas Self-Reporting form](#).

Note: [H.B. 1118](#), as passed by the 87th Texas Legislature and signed by the governor, will amend cybersecurity training requirements for city employees and for elected and appointed officials. The bill has an immediate effective date.

This bill: (1) requires training for those employees and officials who have access to a local government computer system or database and use a computer to perform at *least 25 percent* of the employee's or official's required duties; (2) gives cities authority to deny access to a city's computer system or database to those individuals who have not completed the required training; (3) requires cities to report the percentage of employee and official completion; and (4) penalizes

cities that do not comply with the cybersecurity training requirements of Government Code Section 2054.5191 by impacting a city's ability to apply for or keep certain grants administered by the state (note: this penalty applies to grant applications submitted on or after September 1, 2021).

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to attend legislative committee meetings – whether virtually or by traveling to Austin – to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this session. If we missed your testimony, let us know by an email to ford@tml.org, and we will recognize you in next week's edition.

The following officials testified in committee hearings held May 17 through May 22:

- Thomas Gwosdz, City Attorney, City of Victoria
- Dayna Williams-Capone, Library Director, City of Victoria
- Sally Bakko, Director of Policy and Governmental Affairs, City of Galveston
- Jeff Coyle, Assistant City Manager, City of San Antonio
- Joe Freeland, San Antonio Water System
- George Purefoy, City Manager, City of Frisco
- Thomas Reeves, Director of Public Affairs, City of Baytown
- Brian Redburn, Assistant Chief, Irving Police Department
- Hope Wells, Senior Corporate Counsel, San Antonio Water System
- Ray Craig, Arena/Event Center Manager, City of Llano

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May 12, 2021

Mr. Trey Job, CPM
City of Bastrop – Assistant City Manager of Community Development
P.O. Box 427 – 1211 Chestnut Street
Bastrop, TX 78602

Re: Intent to file petition for creation – Bastrop County Municipal Utility District Nos. 3 & 4

Dear Mr. Job:

We are pleased to submit this letter as formal notification of intent to file a petition for creation of Bastrop County Municipal Utility District Nos. 3 and 4 (BCMUD 3 and BCMUD 4). Please find project details listed below and proposed approximate MUD boundaries in exhibit attached.

PROJECT DETAILS

- Name of proposed residential and mixed-use development – Creekside by Lifeside
- Physical location – SH 21 and FM 812, City of Bastrop’s voluntary ETJ, Area B
- Name of districts proposed – BCMUD 3 and BCMUD 4
- Approximate size of project – Approximately +/- 1,200 acres
- Approximate size of proposed districts – BCMUD 3 (+/- 639 acres) and BCMUD 4 (+/- 576 acres), please see exhibit attached
- Name of Developer – CTX Management
- Name of Engineer –BGE, Inc.
- Intended Water Supply – Agreement with Aqua Water Supply Corporation
- Intended Wastewater – Combination of package and permanent wastewater treatment plants to be eventually owned and operated by proposed MUDs
- Maximum District combined tax rate as set forth by Texas Administrative Code Chapter 293.59 K3B - \$1.00 (actual proposed tax rate is undetermined at this time)
- Intended Water and Sewer Rates – comparable with nearby developments

In consideration of the information provided, we would also like to request a meeting at your earliest convenience. We thank you for your time and consideration and should you have any questions or comments, please call and/or email.

Sincerely,

Joseph Yaklin, P.E.
Sr. Project Manager

Attachment

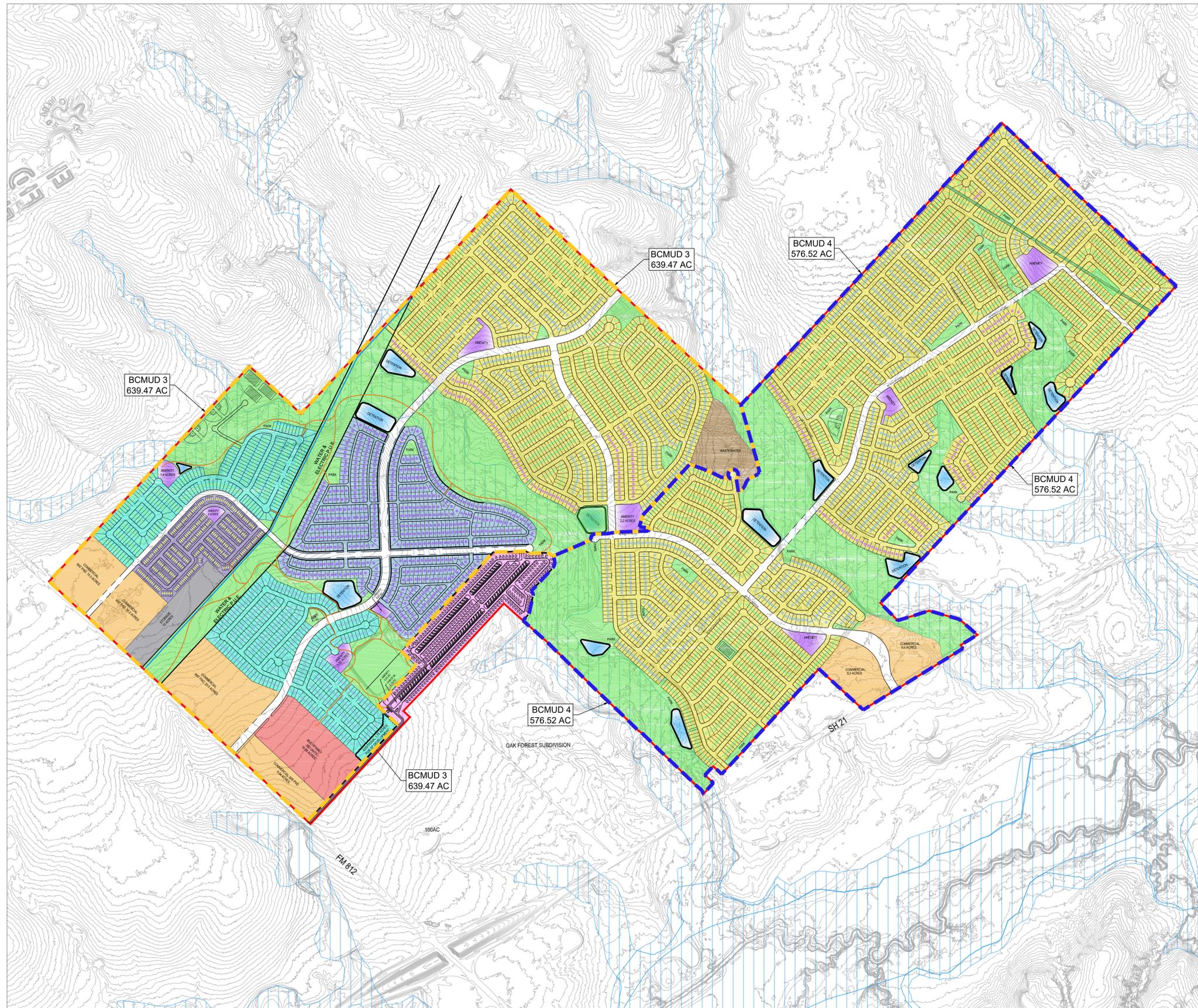
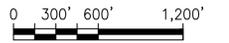
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TBPE Registration F-1046

CREEKSIDE BY LIFESIDE

5/7/2021



- 2' CONTOURS
- PROPERTY BOUNDARY
- BCMUD BOUNDARY 3
- BCMUD BOUNDARY 4
- GAS EASEMENT
- WATER LINE
- ELECTRIC LINE
- CONVENTIONAL SINGLE FAMILY**
- 1,763 - 40'X120' LOTS (53%), 70,520 FF
- 1,350 - 45'X120' LOTS (40%), 60,750 FF
- 236 - 50'X120' LOTS (7%), 11,800 FF
- 3,349 TOTAL LOTS, 143,070 FF
- SINGLE FAMILY FOR RENT**
- 239 - 40'X120' LOTS, 9,560 FF
- 274 - 45'X120' LOTS, 12,330 FF
- 513 TOTAL LOTS, 21,890 FF
- 298 - 22'X65' PAD, 6,556 FF (TH)
- 560 - 50'X100' LOTS, 28,000 FF (MH)
- 858 TOTAL LOTS, 34,556 FF
- 262 - BACK-IN RV
- 92 - PULL-THROUGH RV
- 354 TOTAL RV

| LAND USE TABLE | |
|------------------------|---------------|
| USE | AREA (AC) |
| SINGLE FAMILY | 566.4 |
| AMENITY | 14.8 |
| STORAGE | 10.2 |
| PARKS / OPEN SPACE | 254.7 |
| WWTP | 10.6 |
| MANUFACTURED HOUSING | 85.2 |
| TOWNHOME | 22.7 |
| MULTIFAMILY | 16.3 |
| COMMERCIAL | 68.4 |
| PONDS | 22.2 |
| SINGLE FAMILY (RENTAL) | 86.0 |
| RV | 33.2 |
| GAS EASEMENT | 2.0 |
| ROADS | 50.9 |
| TOTAL | 1243.6 |

ALL AREAS MENTIONED ABOVE WITH THE EXCEPTION OF "STORAGE", "MANUFACTURED HOUSING", "TOWNHOME", "MULTIFAMILY", "COMMERCIAL", AND "RV" TOTAL AN AREA OF 1,007.6 AC. HAVING A TOTAL OF 3,876 LOTS ONSITE BETWEEN CONVENTIONAL SINGLE FAMILY AND SINGLE FAMILY FOR RENT, THE DENSITY PER ACRE COMES OUT TO 3.85.



Capital Area Council of Governments

6800 Burleson Road, Building 310, Suite 165

Austin, Texas 78744-2306

Ph: 512-916-6000 Fax: 512-916-6001

www.capcog.org

BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

May 27, 2021

Honorable City of Bastrop Mayor Pro-Tem Lyle Nelson
P.O. Box 427
Bastrop, TX 78602

RE: Fiscal Year 2022 Air Quality Program Funding Request

Dear Mayor Pro-Tem Nelson:

CAPCOG's Central Texas Clean Air Coalition (CAC) was established in 2002 to help the region remain in compliance with the National Ambient Air Quality Standards (NAAQS), which EPA establishes to protect public health and the environment. Your jurisdiction's participation in the CAC and support for CAPCOG's Air Quality Program has been a key part of the region's ability to maintain compliance with these NAAQS over this time. For much of the past 20 years, CAPCOG was able to use a state grant to fund its program but beginning in FY 2018, CAPCOG has needed to rely on funding from the local governments to continue providing support for the CAC's Regional Air Quality Plan. Continued funding in FY 2022 will be critical for CAPCOG to continue doing the work that helps the region comply with those standards that protect public health, the environment, the region's economy, and flexibility in regional transportation planning. The program includes air quality data collection and analysis, tracking and updating of the region's air quality plan, technical assistance to local partners to implement emission reduction measures, and public outreach to help improve air quality and reduce exposure to air pollution.

The CAC has approved an overall FY 2022 local funding request of \$310,000, of which, **we are requesting \$1,035 from your jurisdiction to support CAPCOG's Air Quality Program.** This represents a 7% increase compared to the average of \$290,000 per fiscal year from local governments for the 2021-2022 biennium. As explained further in the enclosed memo, the year-to-year differences in the FY 2020, 2021, and 2022 funding requests are a result of CAPCOG not being able to use state funding for FY 2020-2021 until halfway through FY 2020. Please also keep in mind that **state funding can only be used for ground-level ozone (O₃) monitoring and emissions inventory research.** Therefore, CAPCOG will still need local funding in order to continue to conduct data analyses, outreach, technical assistance, on-going support of the Clean Air Coalition, and work on any task related to particulate matter (PM).

Ensuring continued joint funding of CAPCOG's Air Quality Program by all cities and counties participating in the CAC is critical to the continuation of the tasks in the Scope of Work, which was approved by the CAC for CAPCOG to support the 2019-2023 Regional Air Quality Plan. I am providing a copy of that Scope of Work for reference. EPA's decisions in late 2020 to retain the existing O₃ and PM NAAQS initially seemed to indicate that our region would be able to maintain compliance with these NAAQS through the end of 2023, when our current Air Quality Plan expires. However, EPA is now evaluating whether to "reconsider" these decisions and propose stricter standards that our region likely would struggle to maintain within compliance. Following through with the implementation of the Regional Air Quality Plan will provide the region with the best chance to remain in

compliance with these NAAQS regardless of EPA's decision and the best way to continue making progress in improving public health by reducing air pollution.

While CAPCOG is aware that budgets will not be finalized until late summer, CAPCOG is requesting that you communicate by Friday, June 25, 2021, if you believe that the City of Bastrop will be able to include the requested \$1,035 in its FY 2022 budget. This will allow adjustments to be made to the work plan and budget for FY 2022 that may be necessary to account for any shortfall in funding.

Thank you again for your participation in the CAC and your consideration of this request. If you have any questions, please feel free to contact me at (512) 916-6043 or at ahoekzema@capcog.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andrew Hoekzema', is written over a faint, illegible printed name.

Andrew Hoekzema
Director of Regional Planning and Services

Enclosures:

1. Memo on FY 2022 Air Quality Funding Request
2. 2019-2023 Scope of Work for CAPCOG's Air Quality Program Approved by CAC in February 2019



BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

**MEMORANDUM
 5/20/2021**

TO: City and County Governments in the Central Texas Clean Air Coalition (CAC)
FROM: Andrew Hoekzema, CAPCOG Director of Regional Planning and Services
RE: CAPCOG FY 2022 Local Air Quality Program Funding Request

At its May 12, 2021 meeting, the Central Texas Clean Air Coalition (CAC) approved sending a \$310,000 funding request to cities and counties participating in the CAC to support CAPCOG’s Air Quality Program in Fiscal Year (FY) 2022. This request will fund activities in the 2019-2023 Scope of Work, approved by the CAC in February 2019, that will not be covered by state funding expected for FY 2022 and FY2023. State funding can be used only for ground-level ozone (O₃) monitoring and O₃-related emissions inventory research, while the 2019-2023 Scope of Work includes eight tasks, most of which are not eligible for state funding:

1. Clean Air Coalition (CAC) Support
2. Technical Assistance to CAC Member Organizations to Implement Emission Reduction Measures
3. Outreach and Education Activities
4. Annual Air Quality Report
5. Ozone Monitoring
6. Monitoring Data Analysis
7. Emissions, Control Strategy, and Air Quality Modeling Analysis
8. Other Studies and Planning Activities

The following table summarizes the overall funding needed for FY 2022 and the share that will need to be funded from local contributions if CAPCOG receives the same per fiscal year as received for FY 2020-2021.

Table 1. CAPCOG Air Quality Program Funding Needs for FY 2022

| Task Group & Associated Tasks | Funding Needed for FY 2022 | State Funding Estimated | Local Funding Needed | Local Funding Share |
|---|-----------------------------------|--------------------------------|-----------------------------|----------------------------|
| O₃ Monitoring (5) | \$165,000 | \$140,000 | \$25,000 | 15% |
| Data Analysis (6 and 7) | \$50,000 | \$0 | \$50,000 | 100% |
| Planning Activities (1, 4, and 8) | \$80,000 | \$0 | \$80,000 | 100% |
| Outreach and Tech. Assist. (2 and 3) | \$155,000 | \$0 | \$155,000 | 100% |
| TOTAL CAPCOG AQ BUDGET | \$450,000 | \$140,000 | \$310,000 | 69% |

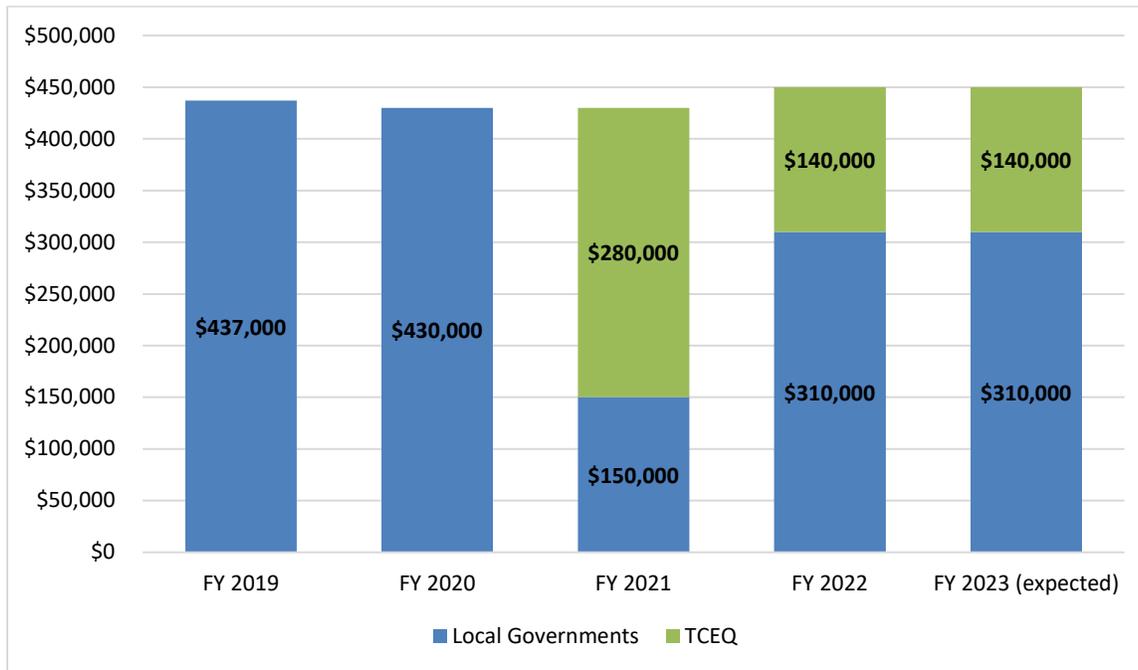
This total amount represents a \$20,000 increase in the \$430,000 per year budget that CAPCOG has used for FY 2020 and FY 2021, which accounts for:

- Expected increases in costs of CAPCOG’s monitoring contract for FY 2022 as a result of needing to re-bid this contract, later this year, relative to our existing contract covering FY 2019-2021;
- Expected increases in other operating costs for CAPCOG’s Air Quality Program, such as increases in office space costs over time; and
- An additional \$5,000 needed for developing new particulate matter (PM)-specific outreach material and updating the Air Central Texas website for PM, and another \$5,000 for purchasing low-cost “Purple Air” PM sensors; both of these activities were recommended by the CAC Advisory Committee on April 29, 2021.

The version of the General Appropriations Act that has made it out of Conference Committee does include changes to the Rider 7 Grant Program. These changes provide state air quality funding to CAPCOG that should result in increased funding for the Air Quality Program. However, since the Rider 7 funds can only be used for O₃ monitoring and O₃-related emissions inventory research, most of the funding requested from local governments, detailed above, would still be necessary for CAPCOG to perform CAC-approved tasks in support of the Regional Air Quality Plan. At a minimum, an increase in state funding would let CAPCOG fund air monitoring entirely with state funding, and it would reduce the amount that CAPCOG actually would bill to local governments by about 8%. However, as CAPCOG and the CAC are painfully aware from 2017 when state funding was eliminated entirely, there is no guarantee that a Rider in the final version of the budget that comes out of Conference Committee will make it through the rest of the process. In mid-June, after the state’s 2022-2023 budget has been approved by the Governor, CAPCOG will update the CAC on the status of the Rider 7 grant funding and the expected implications for the local funding requests for FY 2022 and FY 2023.

CAPCOG’s local funding requests have fluctuated significantly over the past few years as a result of how state funding has been accounted for in CAPCOG’s Air Quality Program budget. The \$310,000 requested for FY 2022 is \$20,000 more than the average \$290,000 per year that CAPCOG requested for FY 2020 and 2021. However, it is substantially lower than the amount requested for FY 2020 and substantially higher than the \$150,000 requested for FY 2021. In FY 2019, when CAPCOG received no state funding, the local funding request was \$437,000. Due to the timing of the funding requests and uncertainty about the details of the state funding approved by the legislature for FY 2020-2021, CAPCOG requested the full amount, \$430,000, that CAPCOG determined would be needed for the Air Quality Program from local governments for FY 2020. Then, CAPCOG reduced the funding request for FY 2021 by the full two-year amount that CAPCOG received from the state. As a result, CAPCOG indicated that the FY 2022 request would need to be higher if state funding was not increased and the eligible activities expanded enough that CAPCOG would no longer need local funding. **Since the eligible activities under the Rider 7 grant program have not been expanded, state funding for FY 2022-2023 will not be able to cover the range of activities that CAPCOG’s Air Quality program carries out at the CAC’s direction.** The following chart shows the local funding request and state funding for each fiscal year, as well as the anticipated funding request for FY 2023.

Table 2. Sources of Funding for CAPCOG Air Quality Program 2019-2023 Scope of Work



The following table shows what the FY 2022 funding request would be to each city and county government using population estimates from January 2020 from the State Data Center. The table also shows the agreed-upon formula for allocating the funding request to each jurisdiction based on population and type of local government (cities pay double the rate of counties, as occurs in the CAPCOG dues formula, in recognition of the additional revenue that cities are able to raise).¹ CAPCOG expects the FY 2023 funding requests to be similar to the FY 2022 funding request as long as state funding continues, except for adjustments to account for differences in population from 2020 to 2021.

Table 3. CAPCOG FY 2022 Local Air Quality Program Funding Request

| Entity | FY 2020 Funding Request | FY 2021 Funding Request | Population Estimate 1/1/2020 | FY 2022 Funding Request | Change from FY 2021 | Change from FY 20-21 Avg. |
|--------------------------|-------------------------|-------------------------|------------------------------|-------------------------|---------------------|---------------------------|
| Bastrop County | \$7,239 | \$2,435 | 90,262 | \$5,026 | \$2,591 | \$189 |
| Caldwell County | \$3,450 | \$1,184 | 43,501 | \$2,422 | \$1,238 | \$105 |
| Hays County | \$17,789 | \$6,255 | 232,080 | \$12,923 | \$6,668 | \$901 |
| Travis County | \$101,111 | \$34,761 | 1,285,526 | \$71,580 | \$36,819 | \$3,644 |
| Williamson County | \$45,706 | \$15,762 | 602,686 | \$33,559 | \$17,797 | \$2,825 |
| Austin | \$155,824 | \$53,747 | 993,129 | \$110,598 | \$56,851 | \$5,813 |
| Bastrop | \$1,455 | \$508 | 9,296 | \$1,035 | \$527 | \$54 |
| Bee Cave | \$1,038 | \$384 | 6,864 | \$764 | \$380 | \$53 |
| Buda | \$2,304 | \$1,010 | 18,326 | \$2,041 | \$1,031 | \$384 |

¹ Counties: https://demographics.texas.gov/Resources/TPEPP/Estimates/2019/2019_txpopest_county.csv. Cities: https://demographics.texas.gov/Resources/TPEPP/Estimates/2019/2019_txpopest_place.csv.

| Entity | FY 2020 Funding Request | FY 2021 Funding Request | Population Estimate 1/1/2020 | FY 2022 Funding Request | Change from FY 2021 | Change from FY 20-21 Avg. |
|---------------|-------------------------|-------------------------|------------------------------|-------------------------|---------------------|---------------------------|
| Cedar Park | \$11,026 | \$4,068 | 79,820 | \$8,889 | \$4,821 | \$1,342 |
| Elgin | \$1,633 | \$564 | 10,327 | \$1,150 | \$586 | \$52 |
| Georgetown | \$11,312 | \$4,150 | 76,378 | \$8,506 | \$4,356 | \$775 |
| Hutto | \$4,018 | \$1,368 | 27,702 | \$3,085 | \$1,717 | \$392 |
| Kyle | \$6,970 | \$2,546 | 49,622 | \$5,526 | \$2,980 | \$768 |
| Lago Vista | \$1,070 | \$392 | 7,352 | \$819 | \$427 | \$88 |
| Lakeway | \$2,484 | \$873 | 15,989 | \$1,781 | \$908 | \$103 |
| Leander | \$8,521 | \$3,234 | 60,844 | \$6,776 | \$3,542 | \$899 |
| Lockhart | \$2,268 | \$766 | 14,681 | \$1,635 | \$869 | \$118 |
| Luling | \$975 | \$332 | 5,794 | \$645 | \$313 | (\$9) |
| Pflugerville | \$10,544 | \$3,801 | 68,050 | \$7,578 | \$3,777 | \$406 |
| Round Rock | \$20,275 | \$7,185 | 121,065 | \$13,482 | \$6,297 | (\$248) |
| San Marcos | \$9,994 | \$3,667 | 72,522 | \$8,077 | \$4,410 | \$1,247 |
| Sunset Valley | \$119 | \$38 | 660 | \$73 | \$35 | (\$6) |
| Taylor | \$2,875 | \$970 | 18,231 | \$2,030 | \$1,060 | \$108 |
| MSA | \$430,000 | \$150,000 | 2,254,055 | \$310,000 | \$160,000 | \$20,000 |

After confirmation of funding amounts from all CAC members and the state and after consultation with the CAC Advisory Committee, CAPCOG will bring a specific Work Plan for 2022 activities to the CAC for approval at its November meeting. With the exception of City of Austin and Travis County, which CAPCOG has multi-year agreements in place with different billing time frames, CAPCOG will issue invoices to all CAC members, for the amounts specified above, on or shortly after October 1, 2021, unless a CAC organization specifically tells CAPCOG that the funding for FY 2022 was not approved. The actual amount invoiced may be less if CAPCOG gets additional state funding for FY 2022-2023. If this occurs, CAPCOG will notify each CAC member jurisdiction and adjust the amounts invoiced to each CAC jurisdiction that has approved funding in proportion to the initial request. If for whatever reason state funding is not approved for FY 2022-2023, CAPCOG will contact CAC members and consult with them on how that should affect the FY 2022 request.

Capital Area Council of Governments Scope of Work for Support of the 2019- 2023 Austin-Round Rock-Georgetown MSA Regional Air Quality Plan

Approved by the Clean Air Coalition on February 13, 2019

This scope of work (SoW) identifies the tasks that the Capital Area Council of Governments (CAPCOG) intends to carry out in support of the 2019-2023 Austin-Round Rock-Georgetown Metropolitan Statistical Area (MSA) Regional Air Quality Plan adopted by the Central Texas Clean Air Coalition (CAC). Tasks in this SoW relate to specific roles that the Plan anticipates for CAPCOG throughout the term of the Plan, and are described in a general manner in order to broadly describe these activities in any given year. In the fall of each year, after the level of resources that will be available for the fiscal year is confirmed, CAPCOG will prepare a more specific work plan for the following year for approval by the CAC. CAPCOG will provide annual reports to the CAC on the use of local air quality funding by CAPCOG's Air Quality Program.

Task 1: Clean Air Coalition Support

This task involves ongoing CAPCOG support for the CAC and the CAC Advisory Committee (CACAC). The CAC is the region's umbrella organization for regional air quality planning among cities, counties, and other regional stakeholders, including private industry. The CACAC provides technical and policy advice to the CAC on air quality issues. This support includes:

- Preparation of agendas and supporting materials for CAC and CACAC meetings;
- Presenting information at CAC and CACAC meetings;
- Researching issues at the request of the CAC and CACAC;
- Providing periodic updates on air quality issues to the CAC and CACAC through newsletters and other communications;
- Logistical support for CAC and CACAC meetings, including recording meeting minutes and maintaining committee records;
- Coordinating appointments to the CAC and CACAC;
- Briefing new members of the CAC and CACAC on air quality issues;
- Participation in air quality-related work groups on behalf of the region; and
- Preparation and submission of comment letters, resolutions, and other documents related to policy advocacy undertaken by the CAC and CACAC.

Expected outputs include:

- Monthly air quality newsletters;
- At least four regularly scheduled CAC meetings each year;

- At least four regularly scheduled CACAC meetings each year; and
- An annual work plan to be approved by the CAC by December 31 of the prior year.

Task 2: Technical Assistance to CAC Members to Implement Emission Reduction Measures

Under this task, CAPCOG will provide technical assistance to CAC members to implement emission reductions identified in the region's 2019-2023 air quality plan. This includes identifying best practices for implementing emission reduction commitments that an organization has made, analyzing operational data provided by an organization, identifying opportunities to maximize emission reductions, and assisting organizations with securing the funding and training needed to implement emission reduction measures.

Expected outputs include, at a minimum:

- Periodic workshops;
- Grant application assistance;
- Coordination of regional grant applications; and
- Templates and other resources for implementation of emission reduction measures.

Task 3: Outreach and Education Activities

This task involves air quality outreach and education activities carried out by CAPCOG. This includes:

- Maintaining the AirCentralTexas.org website;
- Maintaining AirCentralTexas.org social media accounts;
- Staffing at air quality outreach events;
- Institutional outreach and recruitment of new Clean Air Coalition supporting members;
- Outreach to the media and meteorologists;
- Air quality advertising; and
- In-kind support for the Commute Solutions program, if necessary.

CAPCOG staff will provide periodic reports on its outreach activities as requested by the CAC.

Task 4: Annual Air Quality Report

This task involves preparing CAPCOG's annual air quality report, which summarizes the region's air quality data from the previous year, the status of the implementation of the emission reductions within the region, and other information relevant to tracking the region's progress in implementing the regional air quality plan. This report provides an important tool for documenting the region's efforts to EPA and TCEQ, and to provide accountability among CAC members on implementation of commitments.

Expected outputs include:

- Annual air quality reports covering calendar years 2019, 2020, 2021, and 2022

Task 5: Ozone Monitoring

Under this task, CAPCOG will conduct ozone and meteorological monitoring at eight continuous air monitoring stations (CAMS) throughout the region in accordance with the 2019-2023 monitoring plan approved by the CAC in May 2018. Activities funded under this task will include:

CAPCOG 2019-2023 Air Quality Program Scope of Work

- Relocation of any monitoring equipment if recommended in the 2019-2023 monitoring plan;
- Preventative maintenance activities;
- Regular equipment calibrations;
- Equipment rental or replacement;
- Incidental equipment repair costs and supply costs;
- Provision of utilities to each station;
- Licenses to use TCEQ's LEADS data system to host and display monitoring data;
- Reporting data to TCEQ's LEADS system and EPA's AirNow system;
- Data validation activities;
- Monthly reports on from CAPCOG's contractor; and
- An annual report summarizing monitoring activities and comparison of performance to data quality objectives in CAPCOG's Quality Assurance Project Plan (QAPP).

CAPCOG's primary data objectives are based on EPA's most recent ambient air monitoring guidance for ozone monitoring:

- Collection and validation of at least 75% of all possible hourly ozone, wind speed, wind direction, temperature, and humidity measurements each month from March 1 through November 15 each year;
- Ozone measurements to remain within 7% of reference measurements during monthly calibrations. These performance goals are consistent with EPA's most recent ambient air monitoring guidance for ozone monitoring.

Expected outputs include:

- Hourly, quality-assured ozone, wind speed, wind direction, temperature, and relative humidity data reported to TCEQ's LEADS system and EPA's AirNow system from eight CAPCOG monitoring stations; and
- An annual monitoring report documenting monitoring activities completed that year and a comparison of performance to data quality objectives.

Task 6: Monitoring Data Analysis

Under this task, CAPCOG will perform an annual data analysis of the air pollution and meteorological data collected in the previous year and compare these data to data collected in prior years. This will help identify the conditions that were most likely to lead to high air pollution levels, whether these conditions were more or less likely to occur in the previous year compared to prior years, and whether there were any specific emissions-related or meteorological-related explanations for any deviations from what has been typical for the prior years. This analysis will help provide a better understanding of the extent to which local emission reduction efforts impacted ambient air pollution concentrations.

Expected outputs include:

- An annual air monitoring data analysis report; and
- Accompanying spreadsheets.

Task 7: Emissions, Control Strategy, and Air Quality Modeling Analysis

Under this task, CAPCOG will analyze emissions and air quality modeling data relevant to ongoing regional air quality planning. This includes:

- Reviewing point source emissions inventory data reported by the facilities;
- Review mobile source emissions inventory data prepared by EPA, TCEQ, or others;
- Review studies and technical reports related to emissions and control strategies;
- Review of air quality modeling analyses conducted by EPA, TCEQ, and others;
- Refinement of emissions estimates for key sources, where appropriate;
- Analyzing trends in changes in emissions over time;
- Assessing the level of control current emission reduction measures are achieving;
- Estimating the ambient air quality impact of various emissions control and growth scenarios; and
- Estimation of costs and benefits of implementing various control strategies.

Expected outputs include:

- Memos summarizing emissions, control strategy, and modeling analyses completed;
- Reports documenting any emissions inventory refinement, control strategy assessments, or impact assessments completed.

Task 8: Other Studies and Planning Activities

This task involves other research and planning activities as directed by the CAC. Examples projects in this category include:

- Preparation of an annual work plan for approval by the CAC that provides further definition to activities that will be carried out by CAPCOG in the following year;
- Analysis of the health, environmental, and social impacts of regional air pollution;
- Analysis of the potential economic and regulatory impacts of non-compliance with air quality standards; and
- Development of air quality plans.

Resources

This scope of work is being carried out during FY 2020 with approximately \$430,000, with contributions from 22 different local governments providing the necessary funding. CAPCOG will prepare an updated estimate of the annual funding needed to carry out this scope of work during the first quarter of each year ahead of funding requests submitted to local governments for the following year, based on any changes in costs of goods and services and each jurisdiction's population in accordance with the funding formula CAPCOG has used for FY 2018-2020.

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Bastrop's Agnes Street extension project expected to break ground in summer 2022

Cameron Drummond Austin American-Statesman

Published 11:10 a.m. CT May 27, 2021 | Updated 1:25 p.m. CT May 27, 2021

View Comments



AGNES ROAD
BASTROP, TX
September 10, 2020
Latitude: 30° 6'48.97"N
Longitude: 97° 20'40.27"W

The Texas General Land Office approved about \$4.2 million in funding for the city of Bastrop to complete the Agnes Street extension project. City Manager Paul Hofmann said the project is estimated to take 10 months to design, with construction scheduled to begin in summer 2022. *City Of Bastrop*

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Austin American-Statesman

2022

Cameron Drummond Austin American-Statesman

Published 11:10 a.m. CT May 27, 2021 | Updated 1:25 p.m. CT May 27, 2021

Construction on the Agnes Street extension — which will provide east to west connectivity south of Texas 71 — could begin in summer 2022, Bastrop City Manager Paul Hofmann said Tuesday.

The city's proposed timeline was announced less than a week after the Texas General Land Office awarded Bastrop \$4.2 million to fund the street extension.

The GLO approved more than \$28 million to improve flood mitigation infrastructure in Bastrop, Elgin and Smithville, the state agency announced on May 21. The GLO approved the Agnes Street extension funding in an effort to help first responders reach rapidly-developing areas in southwest Bastrop.

During Tuesday's Bastrop City Council meeting, Hofmann said the city is estimating it will take 10 months to design the project, before construction can begin

The project will extend Agnes Street from Sterling Boulevard to Texas 304, and construction will take about one year to complete.

“Part of what I’m doing here, I guess, is managing expectations,” Hofmann told the council. “We got the grant, we don’t have a design project yet and it will take several months for us to get that done.”

According to the GLO's May 21 funding announcement, the project will include acquiring two partial tracts of vacant land and constructing a two-lane asphalt pavement section with a concrete curb and gutter from Home Depot Way to the existing Agnes Street.

“Upon completion of the roadway, emergency response time will be dramatically improved,” Mayor Connie Schroeder said in last week’s funding announcement. “Multimodal mobility for the community and promotion of economic development are additional benefits.”

Texas 71, which runs east to west through Bastrop, is designated as a major hurricane evacuation route and as an evacuation route for other flood-related events in Central Texas.

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service south of the highway and west of the Colorado River due to a lack of alternate east and west connector roads, according to the GLO.

“Many of the areas hit hardest by natural disasters have never had access to funding for critical infrastructure projects to mitigate flooding and protect residents,” Land Commissioner George P. Bush said in a statement May 21. “The historic funding we’re announcing today will go directly to projects that will help fortify Texas homes, businesses and critical infrastructure against future disasters for generations.”

Project timeline

Hofmann said that in July, the city expects to receive a contract between it and the GLO for review and approval. At the same time, the city will be working with Kimley-Horn — a planning, engineering and design consulting firm — to define the scope of work for the project.

Once the city receives this contract, Hofmann said it will undergo legal review and consultant review. Hofmann said the city’s consultant for this group of grant applications is The Langford Group.

“We will bring that contract to council just as soon as we can,” Hofmann said.

Hofmann said Kimley-Horn, which has more than 80 offices across the country including two in Austin, was previously selected by the City Council to work on the Agnes Street project after a competitive process.

Hofmann estimated it would take 10 months to design the project before soliciting bids to construct the extension and begin the road work.

He said the design and land acquisition process will begin this summer.

Hofmann also said Assistant City Manager Trey Job has secured written commitments from property owners to dedicate right of ways for the project, but a more formal right-of-way conveyance will still need to be executed.

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"I'm just thrilled we got the grant for it," Schroeder said Tuesday. "It's just awesome to see Bastrop County represented and to see federal dollars going to protect the life, health, safety, drainage protection. Just so thrilled that Bastrop County did so well."

The U.S. Department of Housing and Urban Development has made more than \$2.3 billion in disaster relief funding available for Texas communities affected by Hurricane Harvey and other severe flooding incidents in 2015 and 2016.

The first round of funding, from which Bastrop's street extension project was funded, saw \$1 billion awarded for infrastructure projects designed to mitigate damage from future disasters.