

**REGULAR MEETING
OF THE GOVERNING BODY OF
THE CITY OF BLANCO**

**Meeting Minutes
Tuesday, November 9, 2021, 6:00 pm**

A regular meeting of the City Council, City of Blanco, Texas was held on Tuesday, November 9, 2021, at 6:00 pm at the Gem of the Hills, 2233 US 281, Blanco, Texas.

The meeting was called to order at 6:00 pm by Mayor Rachel Lumpee, followed by roll call (Laurie Cassidy) announcing a quorum was present. The Pledge of Allegiance was led by Mayor Lumpee. Council members present: Mayor Lumpee, Mayor Pro-Tem Saucedo, Councilmembers Smith, Barron, Divine, and McClellan.

City staff present: Kelly Kuenstler, Laurie Cassidy, Ronnie Rodriguez, and Police Chief Rubin.

Mayor Lumpee made the following announcement: Blanco County burn ban is off; City Hall will be closed Thursday in observance of Veterans Day; there will be a Veterans Day celebration put on by the rotary club on November 11 at Old 300 BBQ and all active veterans and their families are invited to attend, there will be a Veterans Day Parade on Saturday at 10 am; the next Blanco market days will be held November 20; there is a Shop Small on Saturday, November 27; and the Twin Sisters Fiddle Festival of Texas will be December 3-4, 2021.

Public Comments:

- Retta Martin, KBB/Historic Preservation Commission/Streetscape Committee spoke regarding Hot Topic, Pecan Bottom which is south of Town Creek and Town Creek is in the Historic District which will now be part of the master plan. You cannot access the rock wall, which needs to be redone, without going through the pecan bottom. Sparks Engineering did assessment, waiting until Master Plan is complete. KBB and City contributed funds. Rock Wall should be phased.
- Christine Anderson, resident at 380 Blanco Ave, spoke in support of both the language and intent of the invocation ordinance and spoke opposing conveyance of City's interest in the Misty River Run & Jones Street property. Suggested instead to 1) hold onto paper streets, 2) obtain right of refusal from state park; 3) improve nature trails.
- David Park spoke in support of the invocation ordinance for pray in public settings and recommended the meetings be opened with prayer.
- Reverend Bryn, St Michael's Episcopal Church, spoke in support of the ordinance allowing for prayer at the beginning of council meetings, reminds us of the values we share.

- Jay Palmer spoke regarding the two presentations on agenda tonight. He has two problems with the City: 1) settlement agreement (early 2020) and 2) pipeline agreement (mid 2020). It is incumbent upon the City to work in designing a pipeline that will take place of City's current discharge route that runs open ditch on Palmer property. City is to amend permit request with TCEQ to incorporate this new discharge route. Water draining onto his property, October 28, high winds, standing in vineyard, raining effluent water, reported to City Administrator who reviewed problem. Does not favor discharge into the river, nor does he want effluent discharged onto his property outside the pipeline.
- Susan Moore, resident at 390 Blanco Ave, spoke in support of prayer before council meetings.
- Bill Gernenz, First Baptist Church spoke saying thank you for considering prayer before meetings, he is in support of the ordinance.
- Parker Lumpee, resident spoke against the ordinance for prayer due to financial concerns and also additional duties it requires of the City Secretary's time and additional expense. Secondly, ethically it creates unnecessary division and ill will of those not wishing to participate.
- Jacob Ashley, resident at 617 9th Street, Monday night got call from rent house at 1206 Lazy Creek, had sewer back up for the second time, with much damage to home. Currently in process of installing check valve, section of sewer line, brought up 3-4 years ago, City needs to replace that piece of sewage line. 512-736-7045. Tenants out of house right now.
- Oak Smith, resident at 678 Brushy Top Trail, spoke in favor of prayer before meetings. Said we seek guidance and that is what prayer is.
- Jett Sophia commented (via email) regarding New Business Item #1. She is strongly opposed to bringing religion in any format into City meetings. However, she would not oppose invoking the spirit of truthfulness, compassion, generosity, kindheartedness, and intelligence. City resident since 2005. She also made comment on New Business Item #5, she agrees with the proposal to limit the providing of water outside our City Limits. Her one concern is City Council deciding individual exemptions to this rule. Some provision should be made preventing council members from voting on any issue on which they stand to make personal or business gain or loss.
- Lucy Neyens emailed some council, commissioners and staff regarding the 4-way stop at 4th and Pecan Street. She is requesting they view clip of painted crosswalk design that stops people and cars by optical illusion. She stated since the installation of stop sign on the square, she has seen numerous people not stop, or even pause. Ms. Neyens also commented regarding New Business Item #1 Opening Invocations before meetings, she is opposed to instituting an opening prayer at the beginning of the meetings and feels all persons attending governmental activities should be allowed to attend without the pressure of forced religion.

- Irene Cage commented (via email) Regarding New Business Item #1, prayer before council meetings, separation of church and state is the idea that government should remain neutral toward all religions and not officially recognize or favor any one religion. Also, should not force citizens to practice a specific religion nor force churches to perform acts that go against their religion. I do not support forcing prayer on citizens at public meetings.
- Debra H. Meurer, regarding invocation prior to meetings, I respectfully disagree with prayer before the meetings. Prayer should be in a church of your own choice. Please, no division, just come together for the community's greater good and common goals.
- Robert Boydston (via email) regarding proposed invocation resolution, he thinks this proposal is an absurd misuse of Council time. You are not elected to provide religious guidance for the town folk, we have plenty of churches for that purpose. Additionally, the proposed ordinance would impose new duties of the already busy City Secretary and staff. Stick to Council business.

Presentations:

1. Presentation by Aqua Strategies: Assessment of Costs for Two Wastewater Disposal Strategies for the City of Blanco (Nick Dornak, The Meadows) Barney with Aqua Strategies is also here tonight. Task Force established with City September 2020, 12 official meetings. Looking for a path forward to avoid discharge into the river and also how water can be managed under a TLAP permit. This does not address current maintenance. 18 months to get infrastructure in place to achieve land application status. Need at next opportunity to work or deny a land application. The Meadows maintains its commitment to the City. Councilmember Smith believes 18 months is not realistic. Needs some kind of assurance that city will not discharge into river. Council member Barron asked as long as there is continued work with the Task Force, Nick said there needs to be some sort of commitment from the City.
2. Presentation on Aquifer Storage and Retrieval (ARS); Charles Schoening of ARCADIS. Councilmember Barron shared How do we find ways to store more water? Above ground tanks, 2) reservoirs, and 3) determine if we are a candidate for aquifer storage and retrieval. NBU Vision for ASR Primary Goal: provide storage of treated drinking water to supplement supply during drought periods when current supplies are curtailed. Secondary: used as a buffer for peak seasonal demands or as a water supply resiliency measure. Build out target is 9 MGD of recovery capacity with a recharge rate of 4 MGD. (to answer Councilmember McClellan's question, put Ordinance in place not allowing for drilling of wells in area of storage site) Summary: Do as much as you can up front to determine feasibility and suitability, analysis of existing hydrogeological information, identify a suitable site, wireline coring, water chemistry and Prepare for the unexpected, contract allowance for specialty services and authorized contingency to prevent delays.

Staff Presentations:

- City Hall (Kelly Kuenstler) Noteworthy updates, Ad Comp obtained all utility billing data last week and should go live December 1. RCI will be in Blanco late November to inventory City files and work on inventory list and shred schedule. City Hall has received the hard copies of our current UDC from Franklin Legal. There are currently two openings on the Planning & Zoning Commission, Laurie Cassidy received a \$500 scholarship towards her TMCA certification program and should complete her certification in January 2023. The City handed out Halloween bags on October 31, the event was a success. RFQ for City Attorney has been published and City Administrator position has been advertised. IRS audits of the 940 and 941's is ongoing in the Finance Department.
- Public Works (Ronnie Rodriguez) spoke regarding Senate Bill 3, a letter to the Public Utility Commission of Texas, that we have to abide by for the November 1 deadline, to allow them to understand that the City of Blanco is an affected utility. Senate Bill 3, which recently passed the Senate, requires smaller cities to come up with an emergency preparedness plan. More information coming out, there will be a template to be filled out hopefully by the December meeting for review. Sewer plant is operating nicely. Regarding the sewer backup at 1206 Lazy Creek, what was believed to be collapsed pipe was roots in the line. Requests for infrastructure improvements has gone before previous council. Main trunk line, 65 feet has been replaced, Lazy Creek location, 45 feet still need to be replaced. Finishing scope of work and preparing to go out for bid and to council for approval. Projected time for improvement is another week. Currently doing preventative work.
- Police Department, (Chief Rubin) presented monthly statistics report for October., announced Officer Smith completed Electrical Control Weapon instructor class, Detective DeReu completed Medicological Death Investigation Training, currently going through annual weapons qualifications. Upcoming events: Real Ale Run is December 4 and Chief will be representing Texas at Federation of State Law Enforcement Accreditation Entities annual meeting.

Consent Agenda: *The following items may be acted upon in one motion.* No separate discussion or action is necessary unless requested by the Mayor or a Councilmember, in which those items will be pulled for separate consideration.

1. Approval of Minutes from the October 12, 2021, Regular City Council Meeting.
2. Approval of Minutes from the November 1, 2021, Special City Council Meeting.
3. Discussion, Consideration, and Possible Action on Assignment of Members to the Capital Improvement and Asset Management Advisory Committee.
4. Discussion, Consideration, and Possible Action on the City of Blanco Participating in the Opioid Abatement Fund Settlement in the Amount of \$6,191.00.

5. Discussion, Consideration and Possible Action on Approval of Water Shut-Offs for the Months of November and December 2021.

A motion was made by Councilmember Barron to approve Consent Agenda Items One through Five, seconded by Councilmember McClellan, all in favor, motion carried unanimously.

Old Business: Discuss, Consider, and Take Appropriate Action on the Following:

1. Discussion, Consideration, and Possible Action on approval of Ordinance 2021-O-013 Collection, Distribution, and Usage of Rainwater in the City of Blanco (Councilmember Smith). Council and Attorney Bullock discussed minor changes to revised Ordinance, does require person to notice City of collection of rainwater in Section 2 of electrical or plumbing permit; required if connecting to City system. **A motion was made by Councilmember Smith to approve Ordinance 2021-O-013 Collection, Distribution, and Usage of Rainwater in the City of Blanco final draft as presented tonight by Attorney Bullock, seconded by Councilmember Divine, all in favor, motion carried unanimously.**

New Business: Discuss, Consider, and Take Appropriate Action on the Following:

1. Discussion, Consideration, and Possible Action on Approval of Ordinance 2021-O-012 on Opening Invocations Before Meetings of the City Council of Blanco, Texas (Councilmember Smith). Councilmember Barron said she does not believe it is a legal issue but more of a personal preference. Suggest the opening pray take place 10 minutes before the start of the meeting. Attorney Bullock, one issue, during public comments, anyone could do an opening invocation. The invocation comes to Council sight unseen. This has been one of the most commented on items next to the MUD. Be aware if you pass this ordinance you will need to police it. Councilmember Divine, understands the gesture, but is not transpired by it, has some concern about people who will be left out. Prayer is a personal thing. Mayor Lumpee is concerned with additional work being placed on the City Secretary in preparing for meetings. Councilmember Smith said his intent is not to be divisive; he feels guidance can be beneficial. **A motion was made by Councilmember Smith to approve Ordinance 2021-O-012 Opening Invocations Before Meeting of the City Council of Blanco, with the correction to the spelling of the word “opening”, and on the 5th whereas, “founding founders”, omit first founders, and strike the 2nd whereas, seconded by Councilmember McClellan, 3 votes for, opposed by Councilmembers Divine and Barron, motion carried.**
2. Discussion, Consideration, and Possible Action on the property located at 301 Misty River Run & Jones Street (Interim City Administrator, Kelly Kuenstler). The owners, the Cheslock’s are interested in purchasing the piece of property that is the City’s right-of-way. It is not recommended to sell this piece of property. Councilmember McClellan suggested we maintain the land better. Councilmember Barron suggested we keep the land for future trails or walkability. Councilmember Smith said he would revisit this if he had more time. **A motion was made by Councilmember Barron that the City keep the right-of-way property at this time, seconded by Councilmember McClellan, all in favor, motion carried 4-0, Councilmember Smith abstained from the vote.**

3. Discussion, Consideration, and Possible Action on City of Blanco Property Known as Pecan Bottom (Interim City Administrator, Kelly Kuenstler). In late 2017/early 2018, KBB began the Town Creek Riparian Restoration project and partnered with the Hill Country Alliance, Nature Conservancy, and the Texas Parks and Wildlife. The objective was to restore and beautify the native riparian corridor along Town Creek in downtown Blanco in a manner that provides for both recreational uses and ecological functions, including stream stability, erosion control, flood mitigation, wildlife habitat, and water quality. Three priority zones including the Pecan Bottom, 1) Bindseil City Park from the Pecan Street Bridge down to the culverted sidewalk crossing; 2) from laundromat to the vehicular bridge at Pecan Street, and 3) culverted sidewalk crossing to the Blanco State Park border (not all City owned property). Priority Zone 2 recommendations: widen the in-tact riparian area along the right bank by 5-10', mark the gown zone are with signage and a passive border; collect and broadcast the Virginia wild-rye seed in mid to late fall; create targeted access points no more than 20' wide and spaced at least 50' apart with the grow zone in between, and leave libs and large woody material in the creek. Many benefits of green space in cities. This could be a Scout or church group project. Councilmember Divine suggested restoration of creek choked out by Johnson grass. **A motion was made by Councilmember Barron to designate the Pecan Bottom officially as park area and begin plans for turning it into a natural park/ green space, seconded by Councilmember Smith, all in favor, motion carried unanimously.**
4. Discussion, Consideration, and Possible Action on Proposal from Mainstreet Architects, Inc. (Interim City Administrator, Kelly Kuenstler). Mainstreet Architects, Inc. presented proposal to Streetscape Committee in June after RFQ went out. Streetscape awarded the RFQ to Mainstreet Architects in July. In August City Administrator met with Mainstreet Architects to better understand how the Streetscape proposal should come before an update to the City's master plan. Sue Ann Pemberton agreed that the project needed to be redesigned. The plan started at \$85,000, trying to reduce this cost. Options include 1) adopt the Mainstreet Architects plan as is and do a budget adjustment; 2) adopt a very revised version of the plan, Phase I, which would cost Streetscape \$15,000; 3) do not adopt the plan and revisit next year. Do not believe the City has the money to currently fund this RFQ. This is an arm of the City's Master Plan. Currently KBB has contributed \$6,000 and the City has contributed \$7,000. **A motion was made by Councilmember McClellan, to not adopt the plan and table it until next year, seconded by Mayor Pro-Tem Saucedo, all in favor, motion carried unanimously.**
5. Discussion, Consideration And Possible Action on an Ordinance Amending and Modifying Ordinance 2016-O-09 (Adopted 8/29/16), Codified As Section 12.01.002 of the Code of Ordinances of the City of Blanco, and Prohibiting Provision of Water Outside City Limits Except in Limited Circumstances (Councilmember Barron). Councilmember Barron asked that this item be placed on the current agenda as a conservation item based on her ongoing concerns about Blanco's water supply and the availability of water for current and future residents. This is not a new Ordinance; this is an amendment to the current 2016 Ordinance.

A motion was made by Councilmember Barron to table this item and have Attorney Bullock review the Cielo Springs Master Agreement, seconded by Councilmember Smith, all in favor, motion carried unanimously.

6. Discussion, Consideration, and Possible Action on Clarifying Blanco Sewer Rates (Public Works Director, Ronnie Rodriguez). Need clarification, current records do not positively specify if winter averaging charge is to be in effect. **A motion was made by Councilmember Barron to amend the minutes of the June 9, 2020, City Council meeting to reflect the sewer base rate was increased to \$28.00 with winter averaging and maintaining incremental charges following the first 2,000 gallons, seconded by Councilmember Smith, all in favor, motion carried unanimously.**
7. Discussion, Consideration, and Possible Action on Extension Agreement between the City of Blanco and Six-Wheeler LLC (Interim City Administrator, Kelly Kuenstler). Ty Pannell purchased property from Six-Wheeler, LLC and Mark Sparrow is representing Wheeler, both are in attendance tonight. Wheeler constructed water and sewer lines on approximately 40.21 acres of land located within the City limits. Wheeler then sold a portion of this property to a private company. The private company believed that the land they purchased had running water and sewer lines services by the City. A water and sewer line extension agreement was brought forward in an attempt to determine whether or not the City will tap into the infrastructure and how an agreement to do this can be constructed in a legal manner. Mr. Sparrow emailed the City to negotiate the terms of the agreement (number of years of maintenance and dollar amount of bond required). Mr. Sparrow requested to follow the UDC requirements, but his request was denied due to the fact that plans were not submitted in advance for review and approval. Options to move forward include: 1) an engineer's inspection and digging every so many feet to inspect the pipe; 2) include in the agreement an errors and omissions clause certified by an engineer releasing the City; or 3) deposit funds into an escrow account instead of the bond. Councilmember Smith asked how many feet are in place. Proposal from Core & Main, quantity of pipe 2,058 feet of sewer pipe and 2,000 feet of water, 8" diameter. City requested Mr. Sparrow provide plans and specs to the City for engineer to review and Attorney Bullock suggested the cost be paid for by the developer. City needs to inspect what was installed before it can complete acceptance of the project. **A motion was made by Councilmember Smith to table this item and the City requests the developer submit as-built drawings, certified statement, verifying vetting materials, certified by Engineer, easements of record, and for the Engineer to have all these documents as soon as possible for review and this will be at the developers cost, seconded by Councilmember Barron, all in favor, motion carried unanimously.**

Closed regular meeting at 10:16 pm and convened into executive session.

Executive Session in accordance with Texas Government Code: in accordance with the authority contained in the Texas Government Code, Sections 551.071 and 551.074.

1. Texas Government Code Section 551.071 (Consultation with Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct. Confer with City Attorney regarding legal issues associated with Water & Sewer Extension Agreement between the City of Blanco and Six-Wheeler LLC.
2. Texas Government Code Section 551.071 (Consultation with City Attorney), Section 1.05, Texas Disciplinary Rules of Professional Conduct and 551.072 (Real Estate): to wit, Discussion with legal counsel to obtain legal advice related to possible reclaimed water contract between City and Chamaco Mio Investments, LLC.

Closed executive session at 10:36 pm and reconvened into regular meeting.

Item 1: No discussion or action taken

Item 2: No action taken

Adjournment:

A motion was made by Councilmember Barron to adjourn the meeting, seconded by Councilmember Divine, all in favor.


Meeting was adjourned at 10:37 pm.

Respectfully submitted,



Rachel Lumpee, Mayor

ATTEST:



Laurie A. Cassidy, City Secretary

These minutes were approved on the 11 day of January, 2022.

