

**REGULAR MEETING AND PUBLIC HEARING
OF THE GOVERNING BODY OF
THE CITY OF BLANCO**

**Meeting Minutes
December 13, 2022**

A regular meeting and public hearing of the City Council, City of Blanco, Texas was held on December 13, 2022, at 6:00 pm at the Gem of the Hills, 2233 US 281, Blanco, Texas.

The meeting was called to order at 6:03 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 Barron, and Council Members McClellan, Thrailkill, and Smith. Council Member Divine was absent.

City staff present: Warren Escovy, Laurie Cassidy, Sasha Ricks, Jonathan Wheeler, and Chief Scott Rubin.

Mayor Lumpee made the following announcements:

- The City of Blanco remains on Stage 2 water restrictions.
- Blanco County burn ban is off. Burn carefully.
- Upcoming dates:
 - The Blanco Police Department is hosting its annual toy drive and the last day to donate toys is Dec. 15.
 - Security State Bank & Trust will have a holiday Open house on Dec. 16.
 - Re/max genesis holiday mingle is scheduled from 3-7 on Dec.17.
 - The City Council will be having a special meeting next week on Dec. 20 at 1 p.m. at the Byars Building.
 - Blanco Market Days will take place on December 19 from 9 to 7 on the Courthouse lawn.
 - Blanco Good Samaritan Center is having Market Days from 10-2 on Dec. 17.
 - Lucky Leaf 4H Club's 5th annual coats & cocoa sharing day will take place on Dec. 17 at the Blanco Market days.
 - Blanco's annual lighted holiday parade will take place on Dec. 17 at 6 p.m. Entries are due on Dec. 15.
 - Re/max genesis realtors annual stack the shelves event is accepting donations through Dec. 22.
 - City offices will be closed on December 23, 26, and 30.
 - You might have seen the survey last week regarding New Year's. The City and the Chamber are tentatively planning a New Year's Day celebration at the square. We will keep everyone informed.
- Lastly, I hope everyone has a safe and wonderful holiday season!

Public Comments:

- Ayse Cheslock, resident 301 Misty River Run spoke regarding, new business item #7, continuance of Stage 2 water restrictions. She is a painter in town and has been limited because of stage 2 water restrictions. She is hoping to be allowed to pressure wash a few jobs per month. This uses 1.2 gallons of water and takes about 1 hour to perform a job. Local businesses include the Post Office, Old 300 BBQ, and the old courthouse), she thanked Council for their time.
- Wendy Cambridge, resident at 1032 Cielo Springs spoke regarding Music Ordinance, Chapter 4.6 (10), specifically live music at 85 decibels. She supports the Certificate of Appropriateness (COA) but has concerns about the noise to surrounding neighbors. No restrictions on days of use. The second concern is parking.

Closed regular meeting at 6:11 pm and open public hearing.

PUBLIC HEARINGS:

1. Approval of Annual Unified Development Code (UDC) Updates.

- No comments

Closed public hearing at 6:11 pm and opened regular meeting.

Staff Presentations:

- City Hall, Warren Escovy, City Administrator shared the following: Roof and canopy repair and replacement at City Hall was completed last week (40 year old metal roof). The restroom in Park was closed due to a wasp invasion, was sprayed and bathroom has been reopened. City has RFP out for Pavement restoration bid to repair potholes, buckling and waves in pavement. Council to meet in special meeting on December 20, 2022, at 1:00 pm to approve the contractor bid for the project which will be funded with ARPA funds.
- Police Department, Chief Rubin presented the November 2022 Monthly Statistics Report. Current audit was just conducted and was concluded with zero deficiencies. The PD trailer has arrived, and will begin recording data on speed counts, plan is to have out on the street in the next week. Toy drive is ongoing, One person was arrested today.
- Finance Department, Sasha Ricks presented the November 2022 financials/budget to actuals.

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 Council Member, in which those items will be pulled for separate consideration.

1. Approval of Minutes from the November 8, 2022, Regular Meeting and Public Hearing.
2. MAYOR LUMPEE MOVED ITEM TO NEW BUSINESS #10: ~~Approval of Modification of Agreements of Purchase and Sale of Real Estate Relating to City of Blanco Lift Station by and Between City of Blanco and Winona 416 Ltd.~~
3. Approval of Clarification of Council action reflected in an amendment to the minutes of the March 8, 2022 meeting of the City Council, relating to action on eventual filing and adoption of a TLAP discharge permit, to adopt amending language (italicized below) to read, as follows: "to approve the task force recommendations and direct staff to negotiate a new TLAP application with phased adoption of no discharge with reference to the sample guidelines submitted by Protect Our Blanco; *provided, the foregoing shall not be construed, interpreted or executed to be inconsistent with any of the City's existing obligations to Pharr Paradise Park LLC.*
4. Approval of HOT Funds Lump Sum Payment in the amount of \$54,000.00 to the Blanco Chamber of Commerce.

A motion was made by Mayor Pro-Tem Barron to approve items one, three, and four on the consent agenda as presented, seconded by Council Member McClellan, all in favor, motion carried unanimously.

Old Business: Consider, discuss, and take appropriate action on the following:

1. Consideration, Discussion, and Take Action on Approval of Special Use Permit to Allow for a Food Court, Located at John Taylor Addition Block 2, Lot 1, Property located in R-5 (Owner: Shrimpies, Inc.) Warren Escovy, City Administrator, spoke regarding special use permit request. No one has spoken out against the request. **A motion was made by Mayor Pro-Tem Barron to approve the Special Use Permit to allow for a food court, located at John Taylor Addition Block 2, Lot 1, seconded by Council Member Smith, motion carried 3-1 with Council Member McClellan opposed.**
2. Consideration, Discussion, and Take Action Approval of Change of Date to Water Disconnect Notices for the Month of December 2022. Change Date from January 10, 2023, to December 28, 2022 (Warren Escovy, City Administrator, clean up item. Do not want to enforce cutoffs before holidays. The council approved on the 10th of month, which is when regular bills are due, need to move cutoff date to 28th of month. **A motion was made by Council Member Smith to follow staff recommendation to approve change of date from January 10, 2023, to December 28, 2022, for water disconnect notices for the month of December 2022, seconded by Mayor Pro-Tem Barron, all in favor, motion carried unanimously.**
3. Consideration, Discussion, and Take Action on Approval of Contract between City of Blanco and TextMyGov in the Amount of \$4,800. Luc Delavoye and Spencer Franechen with TextMyGov spoke regarding their services provided to residents. Residents need smart phone and City would need computer with Wi-Fi. Questions: Smith, services provided, how many 590 person, 10-15 cities between 1,000 and 2,000 population. McClellan, staff time to respond? What is the requirement? Answers are set up in advance and sent automatically. Was not included in the 2023 budget but we can find Council Member Smith, appreciates the one on one conversations with residents. **A motion was made by Council Member Smith to decline the offer by TextMyGov, seconded by Council Member Thrailkill, all in favor, motion carried unanimously.**

New Business: Consider, discuss, and take appropriate action on the following:

1. Consideration, Discussion and Take Action on City Council Possible Vacancy Created By Absence Of Council Member Divine At Three Consecutive Regular Meetings Of City Council Of The City Of Blanco. Tim Tuggey, City Attorney explained the following three options Council has to fill the vacancy. 1) Council may promptly appoint a replacement by majority vote of remaining council members present at a meeting where such action occurs. Please note the appointed post is then subject to election at next regular city election (not the full remaining term). The mayor does not vote in the appointment unless there is a tie; 2) Council may order a special election; or 3) Council may allow Council Member Divine to remain in office as a holdover (even if she continues to be absent at future meetings), until either: a) the next regular election for the relevant council post by expiration of her term, or b) council appoints a replacement per item 1) above at a later date (again, the appointee serves until the next regular city election). Council Member Thrailkill and Mayor Lumpee said they are appreciative of Council Member Divine's service to the community.

A motion was made by Council Member Thraikill to not excuse Council Member Divine's absence and to move forward with recommendation option number 3: Council may allow Council Member Divine to remain in office as a holdover (even if she continues to be absent at future meetings), until either: a) the next regular election for the relevant council post by expiration of her term, or b) council appoints a replacement per item 1) above at a later date (again, the appointee serves until the next regular city election), seconded by Council Member Smith, all in favor, motion carried unanimously.

2. Consideration, Discussion, and Take Action on Approval of Ordinance 2022-O-012 Amendment to Unified Development Code (UDC) Chapters 1-8 (Warren Escovy, City Administrator). Council Member Smith asked for clarification regarding plats, request for title report. Under the shipping containers, seeking clarification to state not allowed in zones other than industrial without request of special use permit. A motion was made by Council Member Smith to approve the UDC revisions to include *Music Chapter 4.6 (10) Food and Drink change to "Outdoor live music is allowed in accordance to state law at 85 decimals, between the hours of 11 AM and 10 PM to exclude Sunday through Thursday; Plats – section 1.13 definitions add "all plats submitted for review and approval must include a current deed in place of title report; Parkland Dedication – change to 1.6 acres per 100 homes and to \$1,000 fee in lieu; Definitions: add definition for Code/Community officer and City Administration to define; and Shipping Containers: fix current UDC to clarify shipping containers are not in other zones, or uses but remain allowed industrial zones only, until further discussions/approvals are considered. The City Administration to define, seconded by Council Member McClellan, motion failed 2-3 with Mayor Lumpee, Mayor Pro-Tem Barron, and Council Member McClellan opposed. **A motion was made by Council Member Smith to approve the UDC revisions to include: Music Chapter 4.6 (10) Food and Drink change to "Outdoor live music is allowed in accordance to state law at 85 decimals, between the hours of 11 AM and 10 PM Friday and Saturday and between the hours of 11 AM and 6 PM Sunday through Thursday; Plats – section 1.13 definitions add "all plats submitted for review and approval must include a current deed to include: ownership, liens, restrictions, easements, and effective date; Parkland Dedication – change to 1.6 acres per 100 homes and to \$1,000 fee in lieu; Definitions: add definition for Code/Community officer and City Administration to define; and Shipping Containers: fix current UDC to clarify shipping containers are not in other zones, or uses but remain allowed industrial zones only, until further discussions/approvals are considered. City Administration to define, seconded by Mayor Pro-Tem Barron, motion carried 3-2 with Council Members McClellan and Thraikill opposed.***
3. Consideration, Discussion, and Take Action on Approval of Ordinance 2022-O-013 Amending UDC Section 3.6 (Subdivision. Related Applications) and Section 6.4 (Parkland and Open Space) (Warren Escovy, City Administrator). **Approved in previous motion.**

4. Consideration, Discussion, and Take Action on Approval of Updates to the Personnel Policy. Warren Escovy, City Administrator discussed the changes/updates to the personnel policy. He explained the benefits help to hire and retain good employees. Mayor Pro-Tem Barron is concerned with the degree that does not align with their current position. **A motion was made by Council Member Thrailkill to table the item to a future meeting, seconded by Council Member Smith, all in favor, motion carried unanimously.**
5. Consideration, Discussion, and Take Action on Approval of Budget Amendment in the Amount of \$542,351.87 from Fund-I&S 300 to Fund-General Fund 100 Sasha Ricks, Finance Director spoke stating this is just a movement of funds from one account to another. **A motion was made by Mayor Pro-Tem Barron to approve the budget amendment in the amount of \$542,351.87 from Fund-I&S 300 to Fund-General Fund 100, seconded by Council Member Smith, all in favor, motion carried unanimously.**
6. Consideration, Discussion, and Take Action on Approval of City Council Agenda Policy (Mayor Lumpee). **A motion was made by Council Member McClellan to approve the City Council Agenda Policy, seconded by Mayor Pro-Tem Barron, all in favor, motion carried unanimously.**
7. Consideration, Discussion, and Take Action on Approval of Continuance of Stage 2 Water Restrictions (Warren Escovy, City Administrator). **A motion was made by Council Member McClellan to approve the continuance of Stage 2 Water Restrictions, with the amendment to include: *No washing of streets, driveways, parking lots, or service station aprons, except to alleviate immediate health or fire hazards. Washing or power washing of office buildings, homes, or patios will be allowed to be power washed or washed by a professional service,* seconded by Council Member Smith, all in favor, motion carried unanimously.**
8. Consideration, Discussion, and Take Action on authorization to issue requests for proposals (RFP) for application preparation and administrative services and requests for qualifications (RFQs) for engineering services related to the Hazard Mitigation Assistance (HMA) grant programs.
A motion was made by Mayor Pro-Tem Barron to approve authorization to issue requests for proposals (RFP) for application preparation and administrative services and requests for qualifications (RFQs) for engineering services related to the Hazard Mitigation Assistance (HMA) grant programs, seconded by Council Member Smith, all in favor, motion carried unanimously.
9. Consideration, Discussion, and Take Action on Approval of an Election Services Contract between the City of Blanco and the Blanco County Elections Officer for the May 6, 2023, Uniform Election and Related Services. **Mayor Lumpee said this item is being tabled to a special meeting on December 20, 2022.**
10. Approval of Modification of Agreements of Purchase and Sale of Real Estate Relating to City of Blanco Lift Station by and Between City of Blanco and Winona 416 Ltd. **Attorney Tuggey requested to move this item to executive session.**

Closed regular meeting at 8:01 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, 551.072, and 551.074.

1. Texas Government Code Sections 551.071 (Consultation with City Attorney), 551.072 (Real Estate) and Section 1.05, Texas Disciplinary Rules of Professional Conduct; Confer with City Attorney regarding Pharr Paradise Utility Easement Agreement.
2. Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct and 551.072 (Real Estate). Confer with City Attorney regarding Canyon Lake Water SC (CLWSC); Water Valuation with West Water, City's interest undivided interest.
3. 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 Line Extension Agreement between the City of Blanco and Six-Wheeler Investments, LLC.
4. Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct; Confer with City Attorney regarding Modification of Agreements of Purchase and Sale of Real Estate Relating to City of Blanco Lift Station by and Between City of Blanco and Winona 416 Ltd.
5. Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct; Confer with City Attorney regarding TCEQ TTHM Compliance.
6. Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct; Confer with City Attorney regarding City Council Possible Vacancy Created By Absence Of Council Member Divine At Three Consecutive Regular Meetings Of City Council Of The City Of Blanco.

Closed executive session at 9:55 pm and convened into regular meeting.

Item 4: A motion was made by Mayor Pro-Tem Barron to adopt resolution as follows: *BE IT RESOLVED, the City Administrator is authorized to execute modifications to the existing contract between the City and Winona 416 LTD, relating to a 0.82 acre tract currently owned by the City to: 1) place the proceeds of sale under such contract in escrow pending resolution of a pending boundary issue between the State and the City to the mutual and reasonable satisfaction of the City and Winona 416 LTD, and 2) accordingly, if necessary, adjust the size or scope of the subject property conveyed and the purchase price under such contract, on an equitable, prorated, or comparable basis, seconded by Council Member McClellan, motion carried unanimously, Council Member Smith recused himself for the vote.*

Items 1-3 and 5-6: No action taken.

Adjournment:

A motion was made by Council Member Smith to adjourn the meeting, seconded by Mayor Pro-Tem Baron, all in favor.

The meeting was adjourned at 9:57 pm.

Respectfully submitted,

Rachel Lumpee
Rachel Lumpee, Mayor

ATTEST:

Laurie A. Cassidy
Laurie A. Cassidy, City Secretary

These minutes were approved on the 10 day of January, 2023.

