

PROCLAMATION 1

CONSTITUTION WEEK PROCLAMATION

WHEREAS *September 17, 2023, marks the two hundred and thirty-six anniversary of the adoption of the Constitution of the United States of America by the Constitutional Convention; and*

WHEREAS *the Daughters of the American Revolution are descendants of these great patriots; and*

WHEREAS *Public Law No. 915, adopted August 2, 1956, guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17-23 as Constitution Week; and*

WHEREAS *it is fitting and proper to accord official recognition to this memorable anniversary, and to the patriotic exercise that will commemorate the occasion.*

NOW, THEREFORE BE IT HEREBY PROCLAIMED, *by the power vested in me as the Mayor of the City of Blanco, that*

SEPTEMBER 17-23, 2023

be designated as: **CONSTITUTION WEEK**

in Blanco, Texas, and urge all citizens to participate in observance of this important patriotic event by reaffirming the ideals of the framers of the Constitution.

PROCLAIMED AND SIGNED *this the 8th day of August 2023.*

Mike Arnold, Mayor



PROCLAMATION 2

FOUNDERS DAY PROCLAMATION

***WHEREAS** July 1937, marks the eight-sixth anniversary of the incorporation of the City of Blanco; and*

***WHEREAS** it is fitting and proper to celebrate our history, the beauty of Blanco, the heritage of our bedrock families, the enterprise of our businesses, and the unity of our community.*

***NOW, THEREFORE BE IT RESOLVED,** by the power vested in me as the Mayor of the City of Blanco, that the*

4th SATURDAY OF MARCH

*be designated as: **BLANCO FOUNDERS DAY***

in Blanco, Texas, and urge all citizens to participate in observance of this important event to be held on Saturday, March 23, 2024.

***PROCLAIMED AND SIGNED** this the 8th day of August 2023.*

Mike Arnold, Mayor



STAFF
CITY HALL

**STAFF
POLICE
DEPARTMENT**

BLANCO POLICE DEPARTMENT MONTHLY STATISTICS 2023



January	February	March	April	May	June	July	August	September	October	November	December
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Crime Statistics												YTD	
Major Crimes													
Assaults	1	2	2	2	0	1	1						9
Sexual Offenses	0	2	0	4	0	0	0						6
Other	0	0	0	0	1	0	2						3
Burglaries													
Residence	0	0	1	0	0	0	0						1
Vehicle	0	0	0	0	0	0	1						1
Business	1	1	0	0	0	0	0						2
Theft	0	0	1	3	5	3	6						18
Criminal Mischief	2	0	1	1	1	1	1						7
Alcohol Violations	2	4	5	3	6	5	3						28
Narcotics Violations	6	3	2	7	7	1	7						33
Arrests													
Individuals	6	9	10	11	12	6	13						67
Adult	5	6	10	11	12	6	11						61
Juvenile	1	3	0	0	0	0	2						6
Offenses	7	11	12	13	13	7	19						82
Felony	3	4	1	0	6	2	12						28
Misdemeanor	4	7	11	13	7	5	7						54
Emergency Detention							4						4
Filed by CID	3	6	8	0	7	1	2						27
Calls for Service													
Total Calls for Service	306	300	293	301	310	278	300						2088
Assist EMS	9	7	4	7	4	7	8						46
Assist Fire	2	4	2	2	0	0	1						11
Assist Other Agency	12	12	10	23	15	17	23						112
Assist Public	4	14	13	5	18	12	14						80
Accidents	7	7	8	5	13	11	10						61
Disturbances	7	10	11	4	5	3	5						45
Suspicious Activity	32	22	27	30	29	34	23						197
Alarms	3	7	8	8	8	12	8						54
Animal Calls	7	5	3	1	6	4	4						30
City Ordinance Viol.	1	1	0	1	2	1	5						11
Traffic Enforcement													
Citations	64	60	109	117	135	119	158						762
Warnings	194	155	145	221	240	210	146						1311
Speeding	35	41	52	57	70	76	85						416
D.L. Violations	17	9	15	14	22	15	21						113
Registration	8	11	18	22	18	18	14						109
Insurance	6	5	7	6	8	5	13						50
Stop Sign/Light	0	1	4	3	1	4	4						17
Equipment	1	1	3	2	0	1	4						12
Other	9	3	16	13	16	0	17						74
Other													
Time Out of City	22	28	27	31	37	29	38						212
Record Requests	10	14	13	11	17	15	12						92
Golf Cart Permits	0	0	0	1	0	0	0						1
Home Watches	150	131	118	152	63	95	110						819

CONSENT
ITEM #1

**REGULAR MEETING AND BUDGET WORKSHOP
OF THE GOVERNING BODY OF
THE CITY OF BLANCO**

**Meeting Minutes
July 11, 2023**

A regular meeting and budget workshop of the City Council, City of Blanco, Texas was held on July 11, 2023, at 4:30 pm at the Byars Building, 308 Pecan Street, Blanco, Texas.

The meeting was called to order at 4:30 pm by Mayor Arnold, followed by roll call announcing a quorum was present. The Invocation and Pledge of Allegiance was led by Pastor David Mayer, Trinity Lutheran Church. Council members present: Mayor Arnold, Mayor Pro-Tem Thraikill and Council Members Smith, Swinson, and Moses. Council Member McClellan was absent.

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

Mayor Arnold made the following announcements:

- Council Member McClellan is still in the hospital, hoping to be released in a couple weeks. Please keep him in your prayers.
- The City is back on Stage 2 Water Restrictions, be mindful of your water usage.
- Blanco County Burn Ban is on as of today.
- Wine with the Mayor this Friday, July 14 from 5:00 to 6:30 pm at Esperanza

Public Comments:

- Kenneth Welch, Blanco County resident, spoke first regarding the city budget and property taxes. He referred to strategy, saying don't kick the can down the road. Secondly, he spoke on the US 281 relief route, must have community input as this will have a huge impact on Blanco. Thirdly, transparency committee, structure to ensure it is forward looking and assists the staff.
- Betty Jones, Blanco city resident, spoke on the budget and specifically on fixed income, elderly persons and the burden that higher taxes put on them.
- Nancy Arnold, Blanco city resident (no relation to Mike Arnold) spoke in support of the mayor's proposed budget.
- Juan Vargas, Blanco city resident (30 plus years), spoke regarding the budget. Said we should work together and find ways to make things happen. Live within our means and raise taxes next year. In support of not raising taxes now. Worst year for so many negative comments.
- Dan Murrah, Blanco city resident, spoke out against raising taxes, reminder of inflation on homes and properties, in favor of keeping taxes the same this year.
- Greg Vest, Blanco city resident, spoke saying he is keeping Keith McClellan in his prayers. Asked why Council was meeting at 4:30 pm? Spoke against raising property taxes.

- Rachel Lumpee, Blanco city resident, thanked Inframark for donating bench for the city park, asked to please run information by KBB. The council should be making decisions based on the citizens, we all need to work together and actually listen to each other and should not be lashing out on social media. Go with the majority, encourage everyone to start thinking about residents, work off one budget, NOT 3. Do not cut the police department, keep fully staffed at two officers per shift as the two year plan was created. Kicking things down the road is what has happened in the past, let us not continue on this path.
- Neil Neyens, Blanco county resident and 30 years with law enforcement, spoke in favor of the police department budget. He said it is a bad idea to make cuts and a bad time to have less officers, this would be a huge step backward. Everyone is worried about chickens and potholes. Higher taxes are everywhere, and costs have risen across the board, it's a fact of life.
- Trey Atchley, Blanco county resident, spoke regarding the budget saying there is probably no greater hot button than taxes. His thought is that if there wasn't a pothole problem, no one would be discussing a well thought out police department budget. The question is to satisfy the issue are you going to take a well thought out budget and take one pothole problem and create another problem. Understand you need revenue, but urge the council, don't take one problem and create another problem. The Police Department is a well lead department, come up with another solution.
- Sarah Knippa, Blanco city resident, read a statement on behalf of Blanco Bob Flores, who was unable to attend the meeting due to his work schedule. He is against raising taxes in this year's budget. Want to see top 5 list of priorities. Cyber security should be a priority in protecting the city's infrastructure.
- Susan Moore, Blanco city resident, spoke in favor of the police department. Do NOT cut this stellar department. Also, please do not increase property taxes. Thank you, Mayor, for speaking out.
- Crystal Spybuck, Blanco Library Director and blanco resident spoke regarding the library's request for budget funds in the amount of \$15,000. Last year the library added over 15,000 items, including new books, audio books, and movies. They also signed up 350 new patrons, hired three new employees, added a new coffee and tea bar, and updated their Wi-Fi and internet services. They also partnered with Gem of the Hills, provide reading programs for children and adults, host free shred service, and friends of the library have placed 2 of 6 little libraries throughout the community. Just began the Dolly Parton imagination library which provides a free book per month to each child from birth to 5 years of age. The library's goal is to promote the love of reading to all.
- June Newhouse, Blanco city resident, spoke out against the budget and raising taxes. She said she has complained on social media, furious at the last meeting. Asked council to skip a year, counting on council and asked them to think about the residents.

- Retta Martin, Blanco city resident, talked about the rock wall. Back in 2018, she was chair of the Historic Preservation Commission (HPC). She sent a demand letter to the council to get engineer. Patrick Sparks Engineering came and did assessment. HPC paid half, city paid half. Had to get a survey, was ongoing. In the letter was an agreement for the city to present a plan to stop the demolition by neglect process. Martha Gosnell, survey done, in the end it was put on hold. Asked council to please vote in support of Sparks doing reassessment. Over past 5 years ongoing. Please support this in the budget \$45,000 to rebuild/rehabilitate.
- Marcella Murrah, Blanco city resident spoke regarding the budget. She wrote to three council members who are for a budget and tax increase. In response she received two canned replies to her question(s) from Council Members Mike Smith and Laura Swinson. Mayor Pro-Tem Rodney Thrailkill responded respectfully with a thoughtful reply. She also spoke regarding the upheaval on social media and discussed the Mayor's proposed budget.
- Diana Gonzales with PEC, spoke regarding their upcoming 85th anniversary celebration. PEC was officially incorporated in May 1938. One of the largest cooperatives in the US, serving over a million central Texans, serving 24 counties and 45 franchise cities.
- Andrew Forsberg, Blanco city resident, spoke regarding the budget and transparency. More actively involved since working closer to town. In support of the police department budget. Focus on transparency and be cautious when making decisions. Hold on surplus and let residents decide where to spend funds.

Budget Workshop #3 – No Action Taken

Warren presented PowerPoint presentation on the budget.

OJ Armstrong, CIAMAC Chair, gave a rate comparison presentation.

Mayor Arnold presented his proposed budget to the council.

Closed Budget Workshop at 7:02 pm and took a 15 minute Break.

Called regular meeting to order at 7:23 pm.

Public Comments:

- Susan Moore, Blanco city resident spoke regarding the ordinance related to invocations which was passed by the council in November 2021 and revised in June 2023. Specifically, the revision relating to members of clergy changed to faith leaders. The Ministerial alliance is comprised of many churches. They have monthly meeting and a men's prayer breakfast on Saturdays comprised of around 90 men. Pastor Carlos Cloyd is committed to providing a person each month to provide our invocation.
- Barbara Ballas, Blanco city resident spoke regarding the budget and proposed tax rate. Suggested 3.5% may not be enough, 5% might be too much, average and go with 4%, a little surplus is helpful. We need to keep the city services and city running. Mayor has good idea in cutting the fat. Build up reserve this year and maybe lower taxes next year.

Presentation by Gary Currier regarding Committee on Financial Transparency & Security:

The proposed goals of the committee would be accuracy and fairness, to assist the city and finance in making sure that the city's financial statements and records are accurate, fairly represent the city's financial, and comply with all regulatory and other legal requirements. Financial Transparency, assist the city in providing the public with grater and easier access to information about the City's finances, presented in a manner to be understandable and comprehensive, and Investigate Discrepancies, investigate any discrepancies or concerns about past financial transactions to provide assurance to the public about the integrity of the City's past and current financial dealings. What is the time requirement? 1-2 hours, overview/set up. Need financial spreadsheets to review. Time period to obtain certification. A couple of months to gather information to load online. What are the benefits to obtain certification? Transparency.

Staff Presentations:

- City Hall, Warren Escovy, City Administrator – no report.
- Police Department, Chief Rubin presented the June Monthly Report. Chief reported a carjacking incident, occurring today with two juveniles involved.

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 June 13, 2023, Budget Workshop
2. Approval of Minutes from the June 13, 2023, Regular Meeting.
3. Approval of Minutes from the June 27, 2023, Special Meeting and Budget Workshop

A motion was made by Mayor Pro-Tem Thraikill to approve the consent agenda items 1-3, to include Council Member McClellan excused absence from current and last meeting due to medical illness, seconded by Council Member Smith, all in favor, motion carried unanimously.

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

1. Consideration, Discussion, and Take Possible Action on Vapor Genius dba The Hill Country Vape & Smoke Appeal of Administrative Denial of Exterior Signage Plan. Vape Genius presented window tinting for approval (gray scale). Council discussed ongoing issues with window tint. A motion was made by Council Member Moses to accept the tint and move on. The motion was withdrawn. **Item moved to executive session.**
2. Consideration, Discussion, and Take Possible Action on Approval of Change Order 012 to the Water Treatment Plant Contract to Include removal and replacement of the existing 1" force main and replace it with a 2" force main that will discharge the waste into the City's wastewater collection system. This Change Order will Increase the Contract by \$66,364.23 and add 21 Days to the Completion of the Project (Ardurra, City Engineer). Damon Berryman, Inframark has verbal quote from local contractor at half the cost. 4" vs. 2". **Damon will provide written documentation to city staff. Attorney Tuggey recommends tabling item. Mayor Arnold moved to table.**

3. Consideration, Discussion, and Take Possible Action on Approval of Change Order 013 to the Water Treatment Plant Contract to Include replacement of inadequate bentonite dosing system. This Change Order will Increase the Contract by \$51,102.94 and add 140 Days to the Completion of the Project (Ardurra, City Engineer). Damon okay. **A motion was made by Council Member Smith to approve CO #13, seconded by Council Member Swinson, all in favor motion carried unanimously.**
4. Consideration, Discussion, and Take Possible Action on Approval of Change Order 014 to the Water Treatment Plant Contract to Include overage from original allowance of PEC electrical service. This Change Order will Increase the Contract by \$17,630.60 and add 57 Days to the Completion of the Project (Ardurra, City Engineer). **A motion was made by Council Member Smith to approve CO #14, seconded by Council Member Swinson, all in favor motion carried unanimously.**

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

1. Consideration, Discussion and Take Possible Action on Amendments to Investment Policy (Sasha Ricks, Finance Director). TWDB is assisting the City in updating the city's outdated policies. Free service from Texas Water Development Board. CFO to Go (voluntary program). **A motion was made by Council Member Moses to approve amendments to investment policy, seconded by Council Member Smith, all in favor, motion carried unanimously.**
2. Consideration, Discussion and Take Possible Action on Approval of Text and E-Mail Notification Software Contract between the City of Blanco and Fundview (Sasha Ricks, Finance Director). Sasha Ricks, Finance Director discussed. **A motion was made by Council Member Moses to approve the notification software contract with Fundview regarding text and email services, seconded by Council Member Smith, all in favor, motion passed unanimously.**
3. Consideration, Discussion and Take Possible Action on Approval of Installation of Park Bench in Bindseil Park (Damon Berryman, Inframark). Damon spoke, Blanco Women's Club was speaking at the little library, donated \$200 in books to the library. Inframark proposes to donate a bench, with crushed gravel. 100% recycled eco-friendly materials. Plaque on back "Donated by Inframark" Will speak with and get KBB and Historic approval. **A Motion was made by Council Member Moses to approve installation of park bench in Bindseil Park with conditional approval of KBB and historical preservation commission, seconded by Mayor Pro-Tem Thrailkill, all in favor, motion carried unanimously.**
4. Consideration, Discussion and Take Possible Action on Formation and Composition of Committee for Financial Transparency and Security, including Approval of Nominees Submitted to Date, and Setting Related Timelines. The council discussed forming the financial transparency and security committee with members to include Gary Courier, Dana Bundick; and Judith Knowles Raven. A motion was made by Council Member Swinson to dissolve formation of committee, seconded by Mayor Pro-Tem Thrailkill, vote tied 2-2 with Council Members Moses and Smith opposed. Mayor Arnold voted against the motion; the motion failed. **Council Member Swinson moved to table the item, seconded by Council Member Moses, all in favor, motion carried unanimously.**

5. Consideration, Discussion and Take Possible Action Regarding US Highway 281, Inclusive of Possible Relief Route(s), and Related Committees (Council Member Mike Smith). Mayor spoke with Joe Muck, TxDOT, pulled together with the federal corridor project, combined with our relief route, they will manage, want to do a workshop this summer. The council discussed support of the relief route and shared their disappointment, that relief route was pointed out to the state by the Mayor and that no route has been identified by the relief route task force. Council Member Swinson read email correspondence between the Mayor and TxDOT representative regarding a route being floated to TxDOT, and no one has been notified. TxDOT workshop planned for August 2023. The Chamber pushed out request, received map. Suggested the County be involved and the City and County meet and discuss. Resident, Ron Westcot on Sunset Ridge, spoke, saying proposed route would go straight through his home. The Council's goal is to be involved on the task force committee in making the decision regarding the relief route. **A motion was made by Council Member Moses to Table item, second by Council Member Smith, all in favor, motion carried unanimously.**
6. Consideration, Discussion and Take Possible Action on Approval to Hire Sparks Engineering to Update their Town Creek Retaining Wall Report at a cost of \$2,500.00. Staff suggested updating the report. **A motion was made by Council Member Moses to approve hiring of Sparks Engineering to update the Town Creek Retaining Wall Report at a cost of \$2,500, seconded by Council Member Smith, all in favor, motion carried unanimously.**
7. Consideration, Discussion and Take Possible Action on City Administrator's Resolution of Personnel Matter. **Item tabled to executive session.**

Closed regular meeting at 8:57 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) and Section 1.05, Texas Disciplinary Rules of Professional Conduct; Confer with City Attorney regarding Vapor Genius dba The Hill Country Vape & Smoke Appeal of Administrative Denial of Exterior Signage Plan.
2. 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.
3. 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 legal issues associated with the Water Treatment Plant Project; Bids, Contract. Award, and Notice to Proceed.
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 Pending Legal Matters.

Closed executive session at 10:24 pm and convened into regular meeting.

Old Business, Item #1/Executive Session, Item #1 - Vape Genius and Executive Session Item #1: A motion was made by Council Member Moses to table item, seconded by Council Member smith, all in favor, motion carried unanimously.

New Business, Item #7 City Administrator's Resolution of Personnel Matter, A motion was made Council Member Smith to authorize City administrator to resolve personnel matter as discussed, seconded by Council Member Swinson, all in favor, motion carried unanimously.

Executive Session, Items 2-4: No Action Taken

Adjournment:

A motion was made by Council Member Moses to adjourn the meeting, seconded by Council Member Thrailkill, all in favor.

The meeting was adjourned at 10:25 pm.

Respectfully submitted,

Mike Arnold, Mayor

ATTEST:

Laurie A. Cassidy, City Secretary

These minutes were approved on the _____ day of _____, 2023.

CONSENT
ITEM #2

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

**Meeting Minutes
July 19, 2023**

A special meeting of the City Council, City of Blanco, Texas was held on July 19, 2023, at 6:00 pm at the Byars Building, 308 Pecan Street, Blanco, Texas.

The meeting was called to order at 6:00 pm by Mayor Arnold, followed by roll call announcing a quorum was present. The Invocation and Pledge of Allegiance was led by Council Member Smith. Council members present: Mayor Arnold, Mayor Pro-Tem Thraikill and Council Members Smith, Swinson, and Moses. Council Member McClellan was absent.

City staff present: Warren Escovy, Laurie Cassidy, and Police Chief Scott Rubin.

Announcements from the Mayor:

- Blanco County Burn Ban is on
- City Water is currently at Stage 5 Drought Contingency Water Restrictions
- Local pastors have organized a group to gather on the square and pray for rain.

Public Comments:

- Heinz Roach, Cielo Springs resident, asked if the water restrictions apply to well owners and/or rainwater harvesting. The city has no jurisdiction over private wells and rainwater harvesting.
- David Smith, Blanco city resident, said he appreciates the Council member's hard work. Concerned seeing meeting minutes regarding water systems and treatment plant being under construction. He suggested Council retain all water rights we have within the city. Need to keep our water rights.

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

1. Consideration, Discussion and Take Possible Action on Update on Drought Management and Water Situation with Canyon Lake/Texas Water Company. Damon Barryman, Inframark discussed the various city water tanks and elevation levels as well as explaining summary of water distribution to the City. Council discussed. **Tabled item to executive session.**
2. Consideration, Discussion and Take Possible Action on Amendment or Modification to Expand Memorandum of Understanding (MOU) between the City of Blanco and the Meadows Center. This item is for discussion only. Need to discuss in more detail with The Meadows first and then bring back to Council for further discussion. – **No Action Taken.**

Closed the regular meeting at 6:21 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 Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct. Confer with City Attorney regarding legal issues associated with Update on Drought Management and Water Situation with Canyon Lake/Texas Water Company.

Closed executive session at 7:19 pm and convened into regular session.

No Action Taken

Addressing long and short term water solutions and planning a future workshop.

Adjournment:

A motion was made by Council Member Smith to adjourn the meeting, seconded by Council Member Moses, all in favor.

The meeting was adjourned at 7:20 pm.

Respectfully submitted,

Mike Arnold, Mayor

ATTEST:

Laurie A. Cassidy, City Secretary

These minutes were approved on the _____ day of _____, 2023.

OLD BUSINESS

ITEM #1

OLD BUSINESS

ITEM #2

NEW BUSINESS

ITEM #1



City of Blanco

P.O. Box 750 Blanco, Texas 78606

Office 830-833-4525 Fax 830-833-4121

STAFF REPORT: 8/8/23

DESCRIPTION: Discussion of PIR expenses to the City

ANALYSIS: Every year there are about 100 PIRs with most of them being requests for information in regards to police, finances, public works issues. Most of these are minor requests to pull documents with 15 to 30 minutes to complete a task. Most of these are handled by the City Secretary whose rate to the City is about \$60 an hour (with benefits) and the police admin. (a lot of these standard PIRs are PD related).

The issue has become some of the larger PIRs are requesting text and emails that could span a year or two and include 100s of documents. These larger PIRs can cost the City in staff time between \$700 and \$800 per hour. The City Attorney reviews most of these PIRs at an hourly rate of \$175 an hour. Tim estimates that he has charged the City close to \$5,000 yearly for this service.

FISCAL IMPACT: Over \$7,000 in fees or effort

RECOMMENDATION: Council should review and set aside some money to deal with PIRs.



Warren Escovy <cityadmin@cityofblancotx.gov>

PIR research

2 messages

Warren Escovy <cityadmin@cityofblancotx.gov>

Thu, Aug 3, 2023 at 11:46 AM

To: Tim Tuggey <tnt@timtuggeylaw.com>, Laurie Cassidy <citysec@cityofblancotx.gov>

Tim,

Can you give me some numbers on what it costs you to review a PIR? Thanks

--

PLEASE USE NEW EMAIL cityadmin@cityofblancotx.gov

Warren Escovy
Blanco City Administrator
(830) 833-4525 ext. 105
(830) 330-1905 (cell)
cityadmin@cityofblancotx.gov



Tim Tuggey <tnt@timtuggeylaw.com>

Thu, Aug 3, 2023 at 5:42 PM

To: Warren Escovy <cityadmin@cityofblancotx.gov>, Laurie Cassidy <citysec@cityofblancotx.gov>

Warren & Laurie:

It varies. Some are very quick and require very little attention, while others require both extensive coordination and consult with the City administration, as well as review of the possible PIR info itself, related legal research and drafting correspondence to the OAG.

So, the range of any individual PIR response might be \$25-50 (10 to 15 minutes) for a simply legal check and coordination with the City Secretary, in the low range. And in the higher range, costs could be as high as \$350-875 (2-5 hours) for extensive coordination, legal research, review of all PIR material for possible privilege and follow-on initial correspondence, responses and follow up with the Texas OAG. In the latter case, these activities occur over several days. These costs are just the legal side, and do not include work by administration.

Based on my review for 2022, I earlier estimated that legal work on PIRs ran at about \$4500-\$5000 for the year. I haven't done a detailed analysis for this year yet but I am sure it is on track for the same or higher numbers.

Please let me know if you have other questions.

Tim

Tim Tuggey Law

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[Quoted text hidden]

NEW BUSINESS

ITEM #2

A1024 Section 3 Presentation to City of Blanco

August 8, 2023





The City recently received the following grant award:

- Grant Agreement No. CDV21-0456
- Award Amount: \$146,900
- Project: Install (1) 125 KW generator to run Main Lift in the City of Blanco



The grant is funded through the Community Development Block Grant, via:

- U.S. Department of Housing and Urban Development (HUD)

and

- Texas Department of Agriculture (TDA)



Section 3 Concepts

- As a condition of funding, the City must comply with Section 3 of the Housing and Urban Development Act of 1968.
- To the greatest extent feasible, Grant Recipients must direct economic opportunities generated by CDBG funds to low- and very low-income persons.



Section 3 Concepts

In part, this means ensuring that:

- Section 3 Businesses have the information to submit a bid or proposal for the project; and
- Section 3 Workers have information about any available job opportunities related to the project.

For precise definitions, see TxCDBG Policy Issuance 20-01



Section 3 Business

A company may qualify as a **Section 3 Business** if:

- it is owned by low-income persons;
- it is owned by Section 8-Assisted housing residents; or
- 75% of all labor hours for the business in a 3-month period are performed by Section 3 Workers

Register at:

- HUD's Section 3 website:

<https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegistrarBusiness>



Section 3 Business

This project is expected to include the following contracting opportunities:

- Grant Administration services (previously selected)
- Engineering Services (previously selected)
- Construction Company – Contractor Previously awarded in current 2020 TDA Grant Contract



Section 3 Worker

You may qualify as a **Section 3 Worker** if:

- Your annual income is below the county threshold for your family size:
- You are a current or recent Youthbuild participant

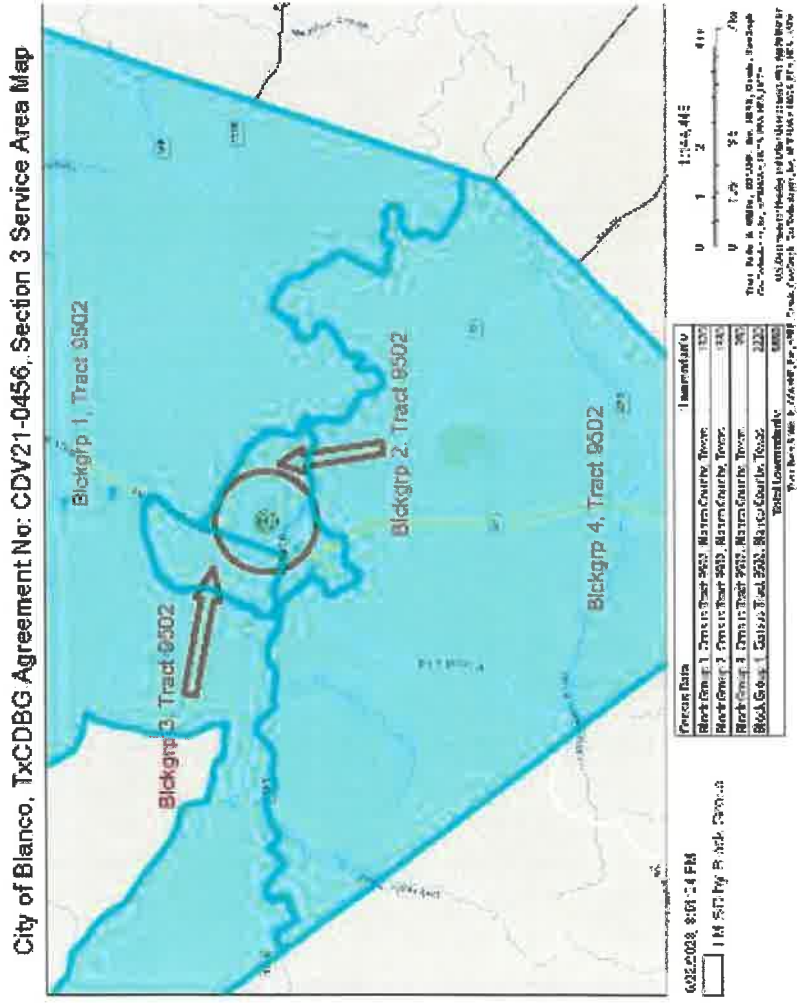
Register your information and search for opportunities at:

- [WorkInTexas.gov](https://workintexas.gov)
- HUD's Section 3 Opportunity Portal
<https://hudapps.hud.gov/OpportunityPortal/>
- CIVCAST
- Minority Women-owned Business Enterprise (MWBE)



Targeted Section 3 Worker

Section 3 Workers that reside near the project location may also qualify as Targeted Section 3 Workers. For this project, that service area is defined by this map:





Recordkeeping

Langford will track all hours worked on the project based on the three categories of workers.

This will require collection of certain income information.





For More Information

TxCDBG Policy Issuance 20-01

[REVISED Policy Issuance 20-01 Section 3 v1.pdf](#)
texasagriculture.gov

24 CFR Part 75

[Electronic Code of Federal Regulations \(eCFR\)](#)

Jonathan (JD) Merritt , Langford: (512) 452-0432

JD@LCMSINC.com

**RESOLUTION No. 2023-R-011
Regarding Civil Rights**

The City of Blanco, Texas

Whereas, the City of Blanco, Texas, (hereinafter referred to as "City of Blanco") has been awarded TxCDBG funding through a TxCDBG grant, CDV21-0456, from the Texas Department of Agriculture (hereinafter referred to as "TDA");

Whereas, the City of Blanco, in accordance with Section 109 of Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Blanco, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Blanco, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, is required, to the greatest extent feasible, to provide training and employment opportunities to lower-income residents and contract opportunities to businesses in the Section 3 Service Area;

Whereas, the City of Blanco, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and the State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Blanco, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

Whereas, the City of Blanco, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of Blanco, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing;

Whereas, the City of Blanco, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLANCO, TEXAS, that:

The CITY of Blanco ADOPTS The following policies:

1. Citizen Participation Plan and Grievance Procedures (Form A1013).

The CITY of Blanco REAFFIRMS The following policies:

2. Excessive Force Policy (Form A1003);
3. Fair Housing Policy (Form A1015);
4. Section 504 Policy and Grievance Procedures (Form A1004); and
5. Code of Conduct Policy (Form A1002).

The City affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 Economic Opportunity;
7. Limited English Proficiency; and
8. Activity to Affirmatively Further Fair Housing Choice.

Passed and approved this _____ day of August 2023.

Mike Arnold, Mayor
City of Blanco, Texas

ATTEST:

Laurie Cassidy, City Secretary

§THE CITY OF BLANCO
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:

In accordance with federal law, if a significant number of the population are non-English speaking residents and are affected by the TxCDBG project, such citizens should have 'meaningful access' to all aspects of the TxCDBG project. To provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents may include Citizen Participation notices (e.g., complaint procedures, hearings notices), civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Blanco City Hall, 300 Pecan St., Blanco, Texas 78606, (830) 833-4525, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the Mayor Pro-Tem, at 300 Pecan St., or P.O. Box 750, Blanco, Texas 78606 or may call (830) 833-4525.
2. A copy of the complaint or grievance shall be transmitted by the Mayor Pro-Tem to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor Pro-Tem, or selected appointee, shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to the person who made the complaint or grievance within fifteen (15) business days.
4. If the investigation cannot be completed within fifteen (15) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within the

fifteen (15) business days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.

5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in English, Spanish, or other appropriate languages.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based on the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published or posted at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper or posted in two locations, city hall and on the city website, or city hall and one additional location, either in the project area (or) a well-traveled public building. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.

5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing prior to submitting the application to the Texas Department of Agriculture.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from the closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish the notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.

4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from the closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

PASSED AND ADOPTED by the City Council of the City of Blanco, Texas, on the 8th day of August 2023.

Mike Arnold, Mayor

ATTEST:

Laurie Cassidy, City Secretary

LA CIUDAD DE BLANCO
PLAN DE PARTICIPACIÓN CIUDADANA
PROGRAMA DE SUBVENCIONES EN BLOQUE PARA EL DESARROLLO
COMUNITARIO DE TEXAS

Nota para los beneficiarios de la subvención con respecto a los requisitos de dominio limitado del inglés (LEP):

De acuerdo con la ley federal, si un número significativo de la población no son residentes de habla inglesa y se ven afectados por el proyecto TxCDBG, dichos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar un "acceso significativo", los beneficiarios de la subvención pueden necesitar proporcionar servicios de interpretación en audiencias públicas o proporcionar materiales escritos que no estén en inglés y que se proporcionen rutinariamente en inglés. Ejemplos de tales documentos vitales pueden incluir avisos de Participación Ciudadana (por ejemplo, procedimientos de quejas, avisos de audiencias), avisos de derechos civiles y cualquier otro aviso publicado que pueda permitir que una persona elegible con dominio limitado del inglés participe en la discusión de las actividades propuestas de CDBG.

Para obtener más información, consulte LEP.gov

PROCEDIMIENTOS DE RECLAMACIÓN

Estos procedimientos de queja cumplen con los requisitos del Programa de Subvención en Bloque para el Desarrollo de la Comunidad de Texas (TxCDBG) del Departamento de Agricultura de Texas y con los Requisitos del Gobierno Local establecidos en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en el Ayuntamiento de la Ciudad de Blanco, ubicado en 300 Pecan St., Blanco, Texas 78606, (830) 833-4525, durante el horario comercial habitual.

A continuación, se detallan los procedimientos formales de queja y agravio con respecto a los servicios proporcionados en el proyecto TxCDBG.

1. Una persona que tenga una queja o agravio sobre cualquier servicio o actividad relacionada con el proyecto TxCDBG, ya sea propuesto, en curso o completado, puede presentar dicha queja o agravio, por escrito, durante el horario comercial habitual al alcalde Suplente en 300 Pecan St., o P.O. Box 750, Blanco, Texas 78606, o llamar al (830) 833-4525.
2. El alcalde Suplente transmitirá una copia de la queja o agravio a la entidad que es objeto de la queja o agravio y al Abogado de la Ciudad en un plazo máximo de cinco (5) días hábiles después de la fecha en que se recibió la queja o agravio.
3. El alcalde Suplente, o el designado seleccionado, realizará una investigación de la queja o agravio, si es posible, y proporcionará una respuesta por escrito y oportuna a la persona que presentó la queja o agravio en un plazo máximo de quince (15) días hábiles.
4. Si la investigación no puede completarse dentro de los quince (15) días hábiles mencionados en el punto 3 anterior, se notificará por escrito, en la medida de lo posible dentro de los quince (15) días hábiles posteriores a la recepción de la queja o agravio

original, a la persona que presentó la queja o agravio, y se especificará cuándo se completará la investigación.

5. Si es necesario, la queja y una copia escrita de la investigación posterior se enviarán al TxCDBG para su revisión y comentarios adicionales.
6. En caso necesario, se proporcionarán copias de los procedimientos de agravio y respuestas a las quejas en inglés, español u otros idiomas apropiados.

ASISTENCIA TÉCNICA

Cuando se le solicite, la Ciudad proporcionará asistencia técnica a grupos que representen a personas de ingresos bajos y moderados en el desarrollo de propuestas para el uso de los fondos de TxCDBG. La Ciudad, con base en las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, determinará el nivel y tipo de asistencia.

DISPOSICIONES SOBRE AUDIENCIAS PÚBLICAS

Para cada audiencia pública programada y conducida por la Ciudad, se observarán las siguientes disposiciones de audiencia pública:

1. El aviso público de todas las audiencias debe publicarse o publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público debe publicarse en un periódico local o publicarse en dos lugares, el ayuntamiento y en el sitio web de la ciudad, o el ayuntamiento y una ubicación adicional, ya sea en el área del proyecto (o) en un edificio público muy transitado. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo de periódico publicado también se puede utilizar para cumplir con este requisito siempre que cumpla con todos los requisitos de contenido y tiempo. Los avisos también deben colocarse de manera prominente en los edificios públicos y distribuirse a las autoridades locales de vivienda pública y otros grupos comunitarios interesados.
2. Cuando un número significativo de residentes que no hablan inglés son parte del área de servicio potencial del proyecto TxCDBG, los documentos vitales, como los avisos, deben publicarse en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar convenientes para los beneficiarios potenciales o reales e incluirá adaptaciones para personas con discapacidades. Las personas con discapacidades deben poder asistir a las audiencias y la Ciudad debe hacer arreglos para las personas que requieren ayudas o servicios auxiliares si son contactadas al menos dos días antes de la audiencia.
4. Una audiencia pública celebrada antes de la presentación de una solicitud de TxCDBG debe llevarse a cabo después de las 5:00 PM en un día laborable o en un horario conveniente un sábado o domingo.

5. Cuando se puede esperar razonablemente que un número significativo de residentes que no hablan inglés participen en una audiencia pública, un intérprete debe estar presente para satisfacer las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la preparación y presentación de una solicitud para un proyecto de TxCDBG:

1. Como mínimo, la Ciudad deberá celebrar al menos una (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.
2. La Ciudad conservará la documentación de los avisos de audiencia, una lista de las personas que asisten a la(s) audiencia(s), las actas de la(s) audiencia(s) y cualquier otro registro relacionado con el uso propuesto de fondos durante tres (3) años a partir del cierre de la subvención al estado. Dichos registros se pondrán a disposición del público de acuerdo con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública incluirá una discusión con los ciudadanos como se describe en el manual de solicitud de TxCDBG aplicable para incluir, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos anteriores del contrato de TxCDBG, si corresponde. Se alentará a los ciudadanos, con especial hincapié en las personas de ingresos bajos y moderados que sean residentes de barrios marginales y zonas de niebla del cielo, a que presenten sus opiniones y propuestas sobre el desarrollo comunitario y las necesidades de vivienda. Se informará a los ciudadanos del lugar en el que podrán presentar sus opiniones y propuestas en caso de que no puedan asistir a la audiencia pública.
4. Cuando se puede esperar razonablemente que un número significativo de residentes que no hablan inglés participen en una audiencia pública, un intérprete debe estar presente para satisfacer las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en caso de que la Ciudad reciba fondos del programa TxCDBG:

1. La Ciudad también llevará a cabo una audiencia pública con respecto a cualquier cambio sustancial, según lo determine TxCDBG, propuesto para ser hecho en el uso de los fondos de TxCDBG de una actividad elegible a otra nuevamente utilizando los requisitos de notificación anteriores.
2. Una vez finalizado el proyecto TxCDBG, la Ciudad llevará a cabo una audiencia pública y revisará el desempeño de su programa, incluido el uso real de los fondos de TxCDBG.
3. Cuando se pueda esperar razonablemente que un número significativo de residentes que no hablan inglés participen en una audiencia pública, ya sea para una audiencia pública sobre un cambio sustancial en el proyecto TxCDBG o para el cierre del proyecto TxCDBG, publique el aviso en inglés y español, u otro idioma apropiado y proporcione

un intérprete en la audiencia para satisfacer las necesidades de los residentes que no hablan inglés.

4. La Ciudad conservará la documentación del proyecto TxCDBG, incluyendo aviso(s) de audiencia, una lista de las personas que asisten a la(s) audiencia(s), actas de la(s) audiencia(s), y cualquier otro registro relacionado con el uso real de los fondos por un período de tres (3) años a partir del cierre de la subvención al estado. Dichos registros se pondrán a disposición del público de acuerdo con el Capítulo 552, Código de Gobierno de Texas.

APROBADO Y ADOPTADO por el Ayuntamiento de la Ciudad de Blanco, Texas, el día 8 de el agosto de 2023.

Mike Arnold, alcalde

ATESTIGUAR:

Laurie Cassidy, Administradora de la Ciudad

NEW BUSINESS

ITEM #3



City of Blanco

P.O. Box 750 Blanco, Texas 78606

Office 830-833-4525 Fax 830-833-4121

STAFF REPORT: 8/8/23

DESCRIPTION: Funding a part time planner (about 5 hours a week)

ANALYSIS: Brandon Melland is a local planner who has been director in Bulverde, Leon Valley, and has been involved in other communities as a professional planner. He is AICP certified and has local experience doing land planning, running Planning Commissions, long range planning and current plan review as well.

Council Member Swinson is looking at a planner to help be a resource for Planning Commission, look at our sign ordinance, and provide planning services to lighten the load for the City Administrator

FISCAL IMPACT:

RECOMMENDATION: Council Member's recommendation. If it is funded through the budget staff would also be in favor.



PROFESSIONAL SERVICES AGREEMENT

Melland & City, LLC, dba. Brandon Melland, City Planner, agrees to provide to the City of Blanco the following professional services and the City of Blanco contracts for such services and agrees to pay for them, all for the fees and on the terms and conditions set forth herein.

I. PURPOSE

The purpose of this agreement is the delivery of professional city planning services to the City of Blanco, pursuant to all applicable local, state, and federal laws; including plans, and policies adopted by the City of Blanco by ordinance or resolution.

II. PARTIES

The parties to this agreement are the City of Blanco, a general law municipality of the State of Texas hereinafter referred to as "Client," and Melland & City, LLC, a limited liability company existing or formed under the laws of the State of Texas, hereinafter referred to as "Consultant."

III. ASSIGNMENT

Neither Consultant nor Client will assign or transfer its interest in this agreement without the written consent of the other notwithstanding the foregoing.

IV. SERVICES & SCHEDULE FOR DELIVERY

Consultant shall deliver the following services to Client according to the corresponding time schedule provided below. The schedule shall be based on the date that directive of service is given from Client to Consultant:

<u>Service</u>	<u>Schedule</u>
1. Plat Review & Processing	5 Business Days
2. Variance & Appeal Processing	5 Business Days
3. Standard Zone Change Processing	5 Business Days
4. Zoning Compliance Review	10 Business Days
5. Development Agreement Review	15 Business Days

Brandon Melkand
PLANNING

6. Planned Development District Review	15 Business Days
7. Public Improvement District Review	15 Business Days
8. Amendments to City Regulations	See Note*
9. Comprehensive Planning	See Note*
10. Attendance at Public Meetings	See Note**
11. Representation of the City with others	See Note**
12. General Development Process Mgmt.	See Note*

Note* Schedule to be mutually agreed upon in writing by Client and Consultant.

Note** Client shall request services of Consultant within 72 hours of meeting. If Client requests Consultants services less than 72 hours in advance, all reasonable efforts will be made by Consultant to attend in person or by virtual meeting.

For purposes of this agreement, a "business day" shall mean any days of the week excluding Saturday's, Sunday's, and national holidays. If there is uncertainty over the meaning of this section, or, if in the course of dealing of the parties deviates from this section by mutual agreement, this agreement shall be construed in accordance with the Purpose set forth in Section 1.

V. COMPENSATION

Client shall pay Consultant for their time in accordance with this section. Client shall compensate Consultant for time rendered in the provision of services under this contract, including travel time, as follows:

<u>Person (position)</u>	<u>Hourly Rate</u>
City Planner (10+ years)	

Hourly Rates may be subject to adjustments annually in January each year as agreed upon in writing by Client and Consultant.

Brandon Melland
CONSULTANT

VI. SUB-CONSULTANTS

Consultant may hire subcontractors to assist in performing services herein. Not excluding time spent by Consultant managing the services of Sub-Consultants, Consultant shall bill Sub-Consultants to Client, at cost, with no mark-up applied.

VII. REIMBURSABLE COSTS

Reimbursable costs shall hereinafter mean "out-of-pocket" expenses. Client shall reimburse Consultant for the following out-of-pocket expenses incurred in the provision of the services under this contract:

<u>Out of Pocket Expense</u>	<u>Hourly Rate</u>
1. Mileage	Standard IRS Rates
2. Reprographics	At Cost

Any other out of pocket expenses not listed here, shall receive prior authorization by Client in writing, and shall be reimbursed to the Consultant, at cost.

No mark-up shall be applied by Consultant for out-of-pocket expenses, except that time rendered by the consultant during activities associated with the procurement of out-of-pocket expenses shall be reimbursed by Client at Consultants hourly rate.

VIII. INVOICE PROCUREMENT AND PAYMENT

Consultant shall submit invoices to Client for work accomplished during each calendar month. Consultant shall include separately listed, all charges for services and reimbursable costs, with a brief description of each charge.

The Client or authorized agent for the Client shall provide payment to Consultant for said invoiced services and expenses within 30 days of the date the invoice for same is emailed to the Client. Invoices not paid within 30 days shall be treated as follows:

<u>Days Following Date of Invoice</u>	<u>Assessment</u>
1. 31 days	3% of late balance*
2. 60 days	additional 3% & services suspended
3. 90 days	additional 3% & See Note**

Brandon Melland

Note* Waived if first time being late.

Note** If Client is in default of payment for a period exceeding 90 days following original date of invoice, Client hereby agrees to pay all costs of collection, including reasonable attorney's fees, regardless of whether legal action is initiated.

IX. LIMIT OF LIABILITY

The limit of liability of the Consultant to the Client for any cause or combination of causes, excluding gross negligence and/or willful misconduct, shall be, in total amount, limited to the fees paid under this agreement, and in no event, will Consultant be liable to Client for any punitive, special, incidental, or consequential damages.

X. INSURANCE

Consultant shall procure and maintain throughout the term of this agreement, the following insurance limits and coverage insurance certificates will provided to the client upon request.

- A. Commercial General Liability insurance with single limits of not less than \$1,000,000 per occurrence; and
- B. Professional Liability Insurance with a limit of not less than \$1,000,000 per claim.

XI. INTELLECTUAL PROPERTY

With the exception of the Limited Copyright License herein, all worldwide right and title, in all Intellectual Property, conceived, invented, authored, or otherwise produced in the delivery of services under the terms of this agreement, shall remain the exclusive property of Consultant.

The term "Intellectual Property" shall mean all inventions, discoveries, designs, plans, improvements, computer programs, architectural works, and other original works of authorship. Consultant hereby grants Client a paid-up, non-transferable, non-exclusive license to make or have made copies of any copyrightable materials delivered under this agreement.

Brandon Melland
2017.11.13

XII. DOCUMENTS

Any reuse by Client or others of reproducible work that results from Consultants services under this agreement shall be at Clients or other's sole risk without liability to Consultant.

XIII. WAIVER

Any failure by Consultant to require strict compliance with any provision of this contract shall not be construed as waiver of such provision.

XIV. GOVERNING LAW

This agreement shall be governed by and construed according to the laws of the State of Texas.

XV. TERMINATION

Either party may terminate this agreement for any or no reason at any time by giving the other party ten (10) business days prior written notice. Upon the expiration of ten (10) business days thereafter, this Agreement shall be terminated as if the date of expiration of such ten (10) business day period were the day herein definitely fixed for the termination of this Agreement. Upon termination of this agreement all obligations of either party shall cease immediately and Consultant shall only be entitled to compensation for professional services and reimbursable costs provided and incurred up to the date of termination.

XVI. DEFAULT

In the event of default by either party, the non-defaulting party may give notice of such default to the defaulting party. If the defaulting party does not cure within five (5) business days of such written notice, the non-defaulting party may terminate this Agreement by giving written notice of such termination and upon the expiration of five (5) business days thereafter, this Agreement shall end and expire as if the date of expiration of such five (5) business day period were the day herein definitely fixed for the termination of this Agreement and Consultant shall only be entitled to compensation for professional services and reimbursable costs provided and incurred up to the date of termination.

Brandon Melland
City Planner

XVII. COMPLETE AGREEMENT / AMENDMENTS

This agreement constitutes the complete agreement between the parties. It may be amended only by a writing executed by both parties. This agreement may be executed in multiple counterparts, each of which shall be considered an original. When executed, this agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have executed this agreement separately, on the dates indicated by their respective signature blocks below. If the date of this agreement becomes material for any reason, the date of execution by Client shall be considered to be the date of the agreement.

Consultant: Melland & City, LLC; dba.
Brandon Melland, City Planner

Client: City of Blanco

Signed: _____

Signed: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

NEW BUSINESS

ITEM #4

NEW BUSINESS

ITEM #5

ORDINANCE 2023-O- 005

ORDINANCE AMENDING CITY COUNCIL MEETING RULES OF CONDUCT

AN ORDINANCE AMENDING ORDINANCE 2021-O-005, CODIFIED AT CHAPTER 2, SECTION 2.10.001. MEETING RULES OF CONDUCT AND DECORUM, CITY OF BLANCO CODE OF ORDINANCES, BY ADDING NEW SUB PARAGRAPH (a)(14), REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS the City Council of the City of Blanco (the "City") wishes to provide for the public welfare and input of the citizens of the City for its proper governance, and in support thereof, the orderly and proper conduct of City Council meetings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLANCO, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENTS TO THE CITY OF BLANCO CODE OF ORDINANCES, AT CHAPTER 2, SECTION 2.10.001. MEETING RULES OF CONDUCT AND DECORUM, ADDING NEW SUB PARAGRAPH (a)(14).

Chapter 2, Section 2.10.001. Meeting Rules of Conduct and Decorum, City of Blanco Code of Ordinances, is hereby amended by adding new sub paragraph (a)(14), as follows:

(14) The presiding officer, or any two members of city council acting jointly, by written notice to the city secretary, are authorized and shall place items for consideration and possible action on the agenda for any meeting of city council.

SECTION 3. EFFECTIVE DATE

This ordinance is effective immediately. The City Administrator shall, within 10 days after such effective date, cause the publication of notice of adoption on the City's website, the local newspaper of general circulation, and by such other and further means necessary to provide notice to the public.

SECTION 4. SEVERABILITY

If any provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or in part, except if the part held or adjudged invalid or unconstitutional.

SECTION 5. REPEALER

Upon adoption, the provisions of this ordinance repeal any inconsistent existing provisions of other City ordinances.

APPROVED AND ADOPTED BY CITY COUNCIL, CITY OF BLANCO, ON THE 11 DAY OF April 2023.

CITY OF BLANCO

Rachel Lumpsee

Mayor

ATTEST:

Laurie Cassidy
City Secretary



NEW BUSINESS

ITEM #6



City of Blanco

P.O. Box 750 Blanco, Texas 78606

Office 830-833-4525 Fax 830-833-4121

STAFF REPORT: 8/8/23

DESCRIPTION: Consider approval of Dirtworks to replace forcemain and upgrade to 4" pipe at the WTP.

ANALYSIS: An upgraded forcemain was not part of the original design of the Water Treatment Plan but was found to be needed as construction was ending. Our contractor, ACP provided a quote of about \$66,000 to replace the 2" forcemain with a suitable pipe. As requested by the Mayor and Council a new quote from Dirtworks for \$23,110 has been provided.

Recommendation:

Approve the estimate from Dirtworks for \$23,110 to upgrade the forcemain at the Water Plant.

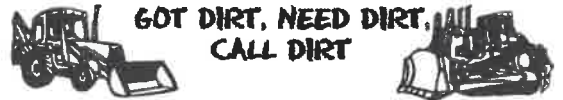
FISCAL IMPACT: \$23,110

RECOMMENDATION: Authorize City Administrator to move forward with plan preparation, financing, and coordination on a new City Hall.

Dworaczyk Enterprises, LLC
 DBA Dirt Works
 711 Ranch Road 32
 Blanco Texas 78606

City of Blanco
 P.O. Box 750
 TO: Blanco TX 78606
 580-216-4395

DIRT WORKS



Ph# 830-833-2097 Fax# 830-833-1122
 dirtworks.com Email
 info@dirtworks.com

Estimate

Date	P.O. No.	Project	Terms		
7/12/2023		8520W-700' Line Install	50% Down Balance on Completion		
Description		Qty	Cost	Total	
DIRT WORKS TO PROVIDE EQUIPMENT, LABOR AND MATERIALS FOR THE FOLLOWING: INSTALL 4" SCH40 FORCE MAIN FROM THE CITY OF BLANCO WATER PLANT TO A MANHOLE ON MESQUITE STREET. LINE IS APPROXIMATELY 700' IN LENGTH PIPE WILL BE BEDDED IN SAND AND COVERED APPROXIMATELY 6" - 8". TRENCH FILL WILL BE WATERED AND COMPACTED. EXCESS MATERIAL WILL BE HAULED OFF WE WILL CORE INTO MANHOLE TO ENABLE TIE IN OF 2" PIPE CITY OF BLANCO WILL HANDLE LOCATION OF EXISTING UTILITIES AND ANY PAVING REQUIREMENTS IN THE STREET. DIRT WORKS IS NOT RESPONSIBLE FOR ANY UNDERGROUND UTILITIES THAT ARE NOT LOCATED PROPERLY OR IMPROPERLY INSTALLED.			23,110.00	23,110.00	

I hereby authorize the above work to commence. I further understand that along with this authorization, a 50% down payment is required to be placed on the schedule. Progress Payments if applicable. Any "extras" will be billed accordingly. Prices are good for 30 days from the date of this estimate. Any balance due past 15 days is subject to finance fees.

Subtotal	\$23,110.00
Sales Tax (8.25%)	\$0.00
Total	\$23,110.00

NEW BUSINESS

ITEM #7

NEW BUSINESS

ITEM #8



City of Blanco

P.O. Box 750 Blanco, Texas 78606

Office 830-833-4525 Fax 830-833-4121

STAFF REPORT: 8/8/23

DESCRIPTION: Review of 2023 Budget

ANALYSIS: On July 11th the Council had budget workshop number 3 and had approved the Staff to put the budget at a 5% ad valorem increase on our website for public view until the August 14th Council meeting. The Staff made a miscalculation on the revenue for ad valorem taxes. The difference between the proposed budget online compared to the revised budget is \$265,893.70. Staff quickly changed the revenue projection. With the revised revenue projection the City would need to raise ad valorem taxes 10% if we keep the same budget priorities.

Staff would ask that council look at budget priorities and act accordingly. It is important that the general fund budget be balanced. Staff's recommendation is that we increase the ad valorem to 6% and we'll also be moving some of the covid funds around to close the budget gap (will be explained at the meeting). The Council will need to find an additional \$70,000 to cut to make a balance budget.

Recommendation:

Review the revised budget and make necessary steps to be able to approve a balanced budget on August 14th.



This budget will raise more revenue from property taxes than last year's budget by an amount of \$255,339 which is a 26.1% tax increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$49,927.51.

City of Blanco City Council Recorded Roll Call Vote:

Mayor Arnold	___	<i>for</i>	___	<i>against</i>	___	<i>abstain</i>	___	<i>absent</i>
Mayor Pro Tem Thrailkill	___	<i>for</i>	___	<i>against</i>	___	<i>abstain</i>	___	<i>absent</i>
Council Member McClellan	___	<i>for</i>	___	<i>against</i>	___	<i>abstain</i>	___	<i>absent</i>
Council Member Smith	___	<i>for</i>	___	<i>against</i>	___	<i>abstain</i>	___	<i>absent</i>
Council Member Swinson	___	<i>for</i>	___	<i>against</i>	___	<i>abstain</i>	___	<i>absent</i>
Council Member Moses	___	<i>for</i>	___	<i>against</i>	___	<i>abstain</i>	___	<i>absent</i>

Property Tax Rate Comparison:

<i>Formerly</i> Effective Tax Rate:	<u>2021</u>	<u>2022</u>	<u>2023</u>
No-New Revenue Tax Rate:	0.3127/\$100	0.2772/\$100	0.2932/\$100
Property Tax Rate:	0.3503/\$100	0.3577/\$100	0.3932/\$100
Maintenance & Operations Tax Rate (M&O):	0.1430/\$100	0.1917/\$100	0.1582/\$100
<i>Formerly</i> Rollback Tax Rate:			
Voter-Approval Tax Rate:	0.3728/\$100	0.3013/\$100	0.3181/\$100
Debt Rate:	0.2073/\$100	0.1660/\$100	0.1506/\$100
Projected Property Tax Increase for 2023:			\$ _____
Total Debt Obligation, secured by Property Tax:			<u>\$509,659</u>

Budget Adoption Ordinance No.	2021-O-007	2022-O-009	2023-O-0XX
Ratify Tax Increase Resolution No.	2021-R-012	2022-R-006	2023-O-0XX
Tax Levy Ordinance No.	2021-O-008	2022-O-010	2023-O-0XX

NEW BUSINESS

ITEM #9

ORDINANCE 2022-O-005

SHORT-TERM RENTAL ORDINANCE

AN ORDINANCE AMENDING THE CITY OF BLANCO CODE OF ORDINANCES, CHAPTER 9, "PLANNING AND DEVELOPMENT", AND EXHIBIT A THERETO (UNIFIED DEVELOPMENT CODE) (UDC) BY AMENDING RELEVANT SECTIONS OF SUCH CODE; CREATING UNDER CHAPTER 5, "BUSINESS REGULATION", A NEW ARTICLE 5.04, ENTITLED "REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS"; AND CHAPTER 2, "ADMINISTRATION AND PERSONNEL", ARTICLE 2.08, ENTITLED "TAXATION"; ESTABLISHING REQUIREMENTS AND REGULATIONS FOR USE OF PROPERTY AS A SHORT-TERM RENTAL; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$300.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Blanco ("City") is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which impact the health, safety and well-being of residents, citizens, and inhabitants; and

WHEREAS, the City Council finds that there are certain owners of residential short-term rental properties within the City who do not provide adequate information on how they may be contacted; and

WHEREAS, the City Council finds that there are owners of residential short-term rental properties who do not reside locally or who reside out-of-state; and

WHEREAS, the City Council finds that there are owners of certain residential short-term rental properties that do not pay the required hotel/motel occupancy tax; and

WHEREAS, the City Council desires to preserve and enhance residential neighborhoods and protect quality of life within the City; and

WHEREAS, in consideration of the foregoing, and other matters before City Council, the City Council of the City has determined that it would be advantageous, beneficial and in the best interest of the citizens of the City to amend certain provisions of the City's Code of Ordinances, Chapter 9, "Planning and Development" and Exhibit A thereto, Unified Development Code (UDC), and Chapter 5, "Business Regulation", to create a new Article 5.04, in the City's Code of Ordinances, entitled "Additional Requirements for Properties Used as Short-Term Rentals"; and amend Chapter 2, "Administration and Personnel", Article 2.08, entitled "Taxation";

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLANCO, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENTS TO THE CITY OF BLANCO CODE OF ORDINANCES, CHAPTER 9, "PLANNING AND DEVELOPMENT", AND EXHIBIT A THERETO (UNIFIED DEVELOPMENT CODE) (UDC) BY AMENDING RELEVANT SECTIONS OF SUCH CODE; CHAPTER 5, "BUSINESS REGULATION", CREATING NEW ARTICLE 5.04, ENTITLED "REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS"; AND CHAPTER 2, "ADMINISTRATION AND PERSONNEL", ARTICLE 2.08, ENTITLED "TAXATION".

The Code of Ordinances of the City, Chapter 9, "Planning and Development", at Exhibit A, UDC, is hereby amended to add or amend certain definitions, amend provisions relating to the process of amending or creating exceptions and conditions to current property uses under the City's Comprehensive Plan and Zoning map; and under Chapter 5, "Business Regulation", create a new Article 5.04, entitled as "Additional Requirements for Owners of Properties Used as Short-Term Rentals", as follows:

A. DEFINITIONS. The following definitions under Section 1.13 Definitions, of the City's UDC are hereby amended, in part or whole, as stated below, or adopted in their entirety as new definitions, and if applicable, thus repeal and replace the current definition stated if such definition is currently stated within the City's UDC:

ACCESSORY STRUCTURE/USES

An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures may include a detached garage, storage shed, residential garage, guest house, and other similar structures.

APARTMENT

A building or group of buildings which contain multiple dwelling units for rent to multiple families or individuals. Apartments may be leased, rented, or owned in a condominium style of ownership. Such facilities are not regulated as STRs and prohibited from receiving STR permits.

DUPLEX, RESIDENTIAL

The use of a site for two dwelling units, within a single building, other than a manufactured home. These facilities are not regulated as STRs and prohibited from receiving STR permits unless they are owner-occupied.

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DWELLING UNIT

Any permanent structure or part thereof designed and used for habitation by one or more individuals.

GUEST

The overnight occupants, who are eighteen (18) years or older, renting temporary transient lodging for a specified period and the daytime visitors of the overnight occupants.

LOCAL CONTACT PERSON

The Owner, Operator, or person designated by the Owner or the Operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short-term Rental.

MOTEL

A building, or group or cluster of buildings, containing three (3) or more transient guest rooms or separate dwelling units or small structures, where access to individual units is made directly from exterior walkways or courts and which are used, rented, or hired for lodging or sleeping purposes by transient guests. The term motel may also sometimes refer to a tourist court, auto court or motor lodge. These facilities are not regulated as STRs and prohibited from receiving STR permits.

MULTIPLE FAMILY RESIDENTIAL

The use of a site for three or more dwelling units, within one or more buildings, including apartments, triplexes, and fourplexes intended for rental, lease, or condominium ownership. The term multiple family does not include bed and breakfast lodging, manufactured housing, single-family detached or attached residential uses. These facilities are prohibited from obtaining STR permits.

OPERATOR

The Owner or the Owner's authorized representative who is responsible for advertising and/or operating a Short-term Rental.

OWNER

The person or entity that holds legal or equitable title to a property.

SHORT-TERM RENTAL (STR)

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, that is not owner-occupied (other than a duplex), which includes but is not limited to a single-family residence, townhouses, owner-occupied duplex, accessory structure, short-term rental dwelling unit, bed and breakfast, and other residential real estate improvements, in which the public may obtain sleeping accommodations for a period less than thirty (30)

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consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. This term does not apply to duplexes (unless they are owner-occupied), multi-family projects, apartment complexes, hotels, motels, or recreational vehicle parks. This term is a general definition of STRs and is inclusive of the distinct types of STRs.

SHORT-TERM RENTAL, DWELLING UNIT

A short-term rental dwelling unit is defined as a structure, including an individual room within a larger structure, which is rented separately from other rental units on the property, for the purpose of transient or guest lodging. Each individual short-term rental dwelling unit shall be required to obtain a separate short-term rental permit, unless it is a part of a bed and breakfast.

SHORT-TERM RENTAL, OWNER-OCCUPIED

A short-term rental located on the same property on which the owner resides.

SHORT-TERM RENTAL PERMIT

A permit issued by the City authorizing the use of a dwelling unit as a Short-term Rental.

B. AMENDMENTS TO APPROVAL CRITERIA FOR SPECIAL USE PERMIT. The following provisions amend Chapter 3.5(4) of the City's UDC to create and adopt new provisions of such Chapter, and create and adopt consistent cross-references and amendments in applicable provisions of Chapter 2 & 3, as follows:

1. The following amendment is adopted as a new general criteria for approval of a Special Use Permit, at Chapter 3.5(4)(c) i.5, as follows:

5. Compatibility with existing or permitted uses on abutting sites or within the area of the proposed use, and the relationship between the proposed use and the following:

1. Buffers
2. Driveways
3. Parking Areas

2. Additional Criteria for Short-term Rentals. In addition to the foregoing criteria, the following criteria shall be applied to any application for a Special Use Permit for a short-term rental. Such criteria are adopted here as an amendment to Chapter 3.5(4)(c) iii, as follows:

iii. Additional Criteria for Short-term Rentals.

1. The property affected by the request is within a R1, R2, R3, or R5 zoning district.

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2. The property affected by the application, if granted, will not substantially impact, affect, or impair the underlying character or usage within the zoned district in which the property is located.

3. The application if granted will have no adverse effect on any property within one thousand (1000) feet of the affected property.

4. The proposed property occupancy relative to the size of the property.

5. The applicants' consent and agreement to operate in accordance with the other requirements for short-term rentals set forth in the City's Code of Ordinances.

6. The application if granted will not result in permitting more than 10% of the dwelling units in a city block, neighborhood or similar geographic area as STRs; provided, owner-occupied properties are not subject to this limitation but shall be used in calculation of the percentage; provided, this provision is a guideline and may be exceeded if the applicant demonstrates that the proposed use substantially protects the character and integrity of the surrounding block, neighborhood or similar geographic area.

C. ADDITIONAL REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS. The following provisions are adopted under the City's Code of Ordinances, Chapter 5, "Business Regulation", to create a new Article 5.04, entitled as "Additional Requirements for Owners of Properties Used as Short-Term Rentals", as follows:

General Requirements: All short-term use facilities shall be subject to the following requirements in addition to those otherwise set forth in the City's Code of Ordinances:

1. **Food Service:**

a. Only overnight guests may receive food service, except in City zones permitting restaurant services.

b. Such food service shall be limited to continental style breakfast or similar food items provided for use and consumption at the convenience of the guests, unless the facility meets the State of Texas and Blanco County Health Division requirements for commercial food service or is a bed and breakfast that otherwise meets such requirements.

2. **Signs:** All signs must comply with the City's sign ordinance. A two (2) square foot nameplate may be attached to the structure.

3. **Code Compliance Generally:** All short-term rental facilities must comply with City code provisions applicable to the zoning then applicable to the area in which the facilities are located, and with all federal, State of Texas, and City of Blanco building codes for existing or new construction.

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4. Fire & Safety: Short-term rental uses shall comply with the regulations for Fire Protection set forth in the appropriate NFPA 101 Life Safety Code.

5. External lighting: All external lighting shall be shielded from adjoining properties and comply with the City's outdoor lighting ordinances.

6. Historic Overlay District.

a. Properties located in the Historic Overlay District shall be developed in accordance with the development standards of the base zoning district and all other City regulations and ordinances, subject to the following restriction:

i. Density shall be in accordance with the base zoning district, except that the number of STR structures shall be limited to a maximum of one (1) structure per three thousand (3,000) square feet of land.

ii. Commercially zoned properties in the Historic Overlay District shall be developed in accordance with the base zoning district and all other City regulations and ordinances.

7. Trash & Solid Waste. Each STR shall provide adequate garbage and trash container capacity for the permitted occupancy for the STR.

8. Quiet Hours. Each STR use shall have signage posted in a prominent location in the rear yard or other common gathering area, providing the occupants and guests with notice of the nighttime hours, as set forth in the City's Noise and Sound Level Regulation ordinance.

9. Permitting. It shall be unlawful for any person or entity to rent, or offer to rent, any Short-term Rental without a valid Short-term Rental Permit issued by the City.

a. A separate Short-term Rental Permit application and application fee must be submitted for each individual Short-term Rental dwelling unit, unless the STR is a bed and breakfast, in which case one application shall be submitted. Unless the applicable property is subject to vested rights as a pre-existing STR, any such application shall be deemed an application for a Special Use Permit and shall be reviewed and evaluated in accordance with other relevant provisions of the City's UDC. An applicant shall apply for a Short-term Rental permit using a format and method promulgated by the City Administrator or his/her designee.

If an application for a Short-term Rental Permit states a claim of vested rights because it relates to and covers a pre-existing STR operating prior to the adoption of this ordinance, then the applicant shall also submit with the application evidence acceptable to the City of pre-existing operation as a STR. Evidence of collection and remittance of hotel occupancy taxes shall be deemed sufficient evidence of such pre-existing operation. The absence of prior collection of hotel occupancy taxes creates a rebuttable presumption of no pre-existing STR operation, which the applicant may rebut with other substantial and good faith evidence acceptable in the City's sole and reasonable discretion. If the City determines that any application relates to a pre-existing

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STR, then a Special Use Permit shall be subject to review only for general compliance as set forth herein, and not under the general requirements for a special use permit under other provisions of the City's UDC.

In any event, the application form shall require, at a minimum, the following information from applicants:

1. The name, address, email, and telephone number of the Owner of the Short-Term Rental.
2. The name, address, email, and telephone number of the Operator of the Short-Term Rental.
3. The name, address, email and 24-hour telephone number of the Local Contact Person.
4. The name and address of the Short-Term Rental.
5. The number of bedrooms and the proposed overnight and daytime occupancy limit of the Short-Term Rental.
6. A site plan showing the proposed layout of the property use and any on-site parking available for the Short-Term Rental. The site plan shall also include any proposed spas, hot tubs, pools, fire pits, bars, cabanas, and any other proposed uses or structures.
7. A general description of any food service to be offered to Guests of the Short-Term Rental.

b. At the time of submission of the application for a permit, the applicant shall submit the permit application fee of \$300, portions of which the City may defer and allocate as nonrefundable or refundable based upon final action on the permit application. Any permit then subsequently issued shall be renewable on an annual basis, upon the anniversary date of its issuance, and a required payment of an annual renewal fee of \$300.

c. Unless the STR is a bed and breakfast, each individual Short-term Rental dwelling unit shall be assigned a unique permit number upon permit issuance by the City. The owner shall display the permit number in an obvious location within the STR.

d. Except as provided herein, STR permits may not be transferred to new owners. Upon sale or other ownership transfer of the STR dwelling unit, the permit shall remain in force for a period of 60 days thereafter, during which time the new owner(s) may file an application for a new permit. Any such application shall be deemed a new permit application under Section 10.a. above, unless at the time the existing permit was granted the STR held and retained vested rights based on operation as a STR prior to the effective date of this ordinance. If no such application is made within the 60-day period stated above, the existing permit shall be void with

no further force and effect whatsoever. Transfers of ownership among or between immediate family members, their heirs or devisees, or business entities under the control of the original owner, their immediate family members, or their heirs or devisees, are not subject to the foregoing transfer conditions, and shall not affect nor void the underlying permit.

Initial transfers of ownership by the initial permit holder of a STR which holds vested rights based on operation as a STR prior to the effective date of this ordinance are not subject to the foregoing transfer conditions; provided, the new owner of any such STR shall provide evidence satisfactory to the City, in the time period allotted under paragraph 10.h. below, of continuous operation of the STR since the date the STR permit was granted. Subsequent transfer(s) of any such STRs shall be subject to the transfer conditions stated herein.

e. Prior to issuance of a STR Permit, the Operator shall allow an on-site inspection by City staff, to ensure compliance with City's ordinances and regulations.

f. Inspections shall also be required when a new STR permit is required as the result of a sale or transfer to another owner, or when additions or modifications are performed to the property which requires a City building permit.

g. Notwithstanding the foregoing, STRs may be inspected by the City or its designee every other year, regardless of the date of the last inspection, or at such other times designated by the City.

h. In the event of any transfer, whether or not permitted under paragraph 10.d. above, a new owner of an STR has thirty (30) days to update the City of changes to ownership, contact information, management company information, and Local Contact Person. [In addition, if applicable, the new owner shall provide evidence of continuous operation required under paragraph 10.d. above.

i. The Owner shall notify the City within ten (10) business days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this Section.

j. Changes or modifications to the property that result in non-compliance with City ordinance or other applicable law shall void the existing STR permit.

k. An application for Short Term Rental Permit may be denied if the Owner has had a Short-Term Rental Permit suspended or revoked during the previous 365-calendar days before submission of the relevant application.

l. No more than two (2) Short-term Rental Permits shall be issued for any single residential-zoned and platted property lot within the City; provided, if the STR is a bed and breakfast, one such Permit may be issued for the property.

m. Subject to exceptions for extraordinary conditions or events, as determined in the reasonable but sole discretion of the City, any Short-term Rental permit shall terminate and be

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considered abandoned if there is evidence of no transient lodging rental activity, based in part on the state occupancy tax reports, for a period of nine (9) consecutive months. The burden is on the property owner to prove the property has been in use as a STR during any relevant nine (9) month period.

10. General Operational Requirements.

a. The Operator shall post the following information in a prominent location within the Short-Term Rental Unit, using a form promulgated by the City stating:

1. The unique Short Term Rental Permit number assigned to the Short-Term Rental Unit;
2. Operator name and phone number;
3. Contact person name and number;
4. The location of any on-site and off-site parking spaces available for Guests. The owner must limit guests' vehicles to the number of off-street parking spaces provided. The number of permitted vehicles shall be included on any advertisement of the rental unit;
5. Instructions to Guests concerning disposal of garbage and handling of garbage containers; and
6. Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Article.

b. The Operator shall operate a Short-Term Rental in compliance with the following:

1. Zoning regulations prescribed for the zoning district in which such Short-Term Rental is located;
2. Maximum occupancy limits prescribed in this ordinance, or by the City Fire Marshal pursuant to the International Fire Code;
3. City of Blanco Hotel Occupancy Tax Ordinance, set forth in the Code of Ordinances;
4. City of Blanco Noise and Sound Level Regulation Ordinance, set forth in the Code of Ordinances;
5. City of Blanco Garbage Collection Ordinance, set forth in the Code of Ordinances; and
6. During any period when a Short-Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available 24 hours per

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day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of guests of the Short-Term Rental.

a. The Local Contact Person shall respond within 60 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.

b. Failure to respond in the required timeframe shall be a violation of this ordinance.

11. Complaints

a. Complaints related to the operation of a Short-Term Rental, including complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office.

1. When the City's Code Enforcement Officer is unavailable, all calls shall be directed to the City's Police Department.

2. Any noise complaints, after 10:00 p.m. shall be directed to the City's Police Department.

12. Enforcement.

a. It shall be unlawful for any person or entity to violate any provision of this Ordinance. Proof that a violation occurred at a Short-Term Rental shall create a rebuttable presumption that the Owner of said Short-Term Rental committed the violation.

1. Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-6 of this Code of Ordinances.

2. Penalties provided for herein are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

3. Any property operating as an STR, without a permit, shall be prohibited from receiving an STR permit for a minimum of one (1) year.

b. Fines & Revocation; Other Enforcement Action

1. Each violation of this ordinance shall be punishable by a fine not to exceed \$300 for each day during which a violation exists.

2. Each violation of this ordinance may be punishable by a suspension or revocation of the STR permit for a period of not more than one year.

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3. Permits shall be revoked automatically for a period of one year on the third violation in any one calendar year.

4. If an Owner operates a STR without permit, or after revocation of a permit, in violation hereof, the City may take additional enforcement action including a shutoff of utility service to the applicable premises.

c. **Notice of Suspension or Revocation.** Upon conviction for a violation of this Article, the City may suspend or revoke any Short-Term Rental Permit issued for the same Short-Term Rental where the violation occurred. The City shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

d. **Appeal.** An Owner may appeal a suspension or revocation under this Section by filing a written appeal with the City Administrator within ten (10) business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Administrator related to the suspension or revocation under this Section. Following the City Administrator's final decision on appeal, the Owner may appeal an adverse decision of the City Administrator by filing a written appeal with the City Council within five (5) business days following the date of the City Administrator's final decision. The decision of the City Council shall be final.

D. AMENDMENT OF CHAPTER 4, SECTION 4.8, RELATING TO ACCESSORY USE. Provisions of the UDC at Chapter 4, Section 4.8, are hereby amended or adopted:

1. Chapter 4, Section 4.8(e) is amended as follows: Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations or permitted Short-Term Rental, Accessory Structure/Uses; and

2. Chapter 4, Section 4.8(f) is adopted as follows: Short-Term Rental, Accessory Structure/Uses shall mean property containing a primary dwelling that also contains a legal guest house that is being used for Short-Term Rental purposes.

E. AMENDMENT OF ARTICLE 2.08 TAXATION; DIVISION 4 HOTEL OCCUPANCY TAX; SECTION 2.08.093 DEFINITIONS. The definition of the term *Hotel* is hereby amended and adopted:

Hotel. A building in which members of the public obtain sleeping accommodations for consideration. The term includes but is not limited to a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, short term rental, or bed and breakfast.

SECTION 3. EFFECTIVE DATE; IMPLEMENTATION AND ENFORCEMENT DATE

This ordinance is effective immediately. The City Administrator shall, within 10 days after such effective date, cause the publication of notice of adoption on the City's website, the local

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newspaper of general circulation, and by such other and further means necessary to provide notice to the public. No new permit applications shall be accepted for 60 days from the effective date of this ordinance, during which time applications for permits based on claims of pre-existing operation as a STR may be filed under the provisions of Section C.10. above. During this initial 60-day period and thereafter, the City shall create and maintain a GIS map of all permitted STRs to assist with review of future new permit applications. After the initial 60-day period referenced above, applications for new STR permits (in addition to those for pre-existing STRs) may also be filed, accepted, and reviewed by the City.

The City shall not seek enforcement of this ordinance until at least 75 days after the initial publication of notice in the newspaper of general circulation and the City's website.

SECTION 4. SEVERABILITY

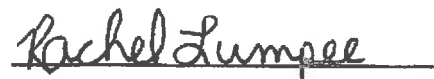
If any provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or in part, except the part held or adjudged invalid or unconstitutional.

SECTION 5. REPEALER

Upon adoption, the provisions of this ordinance repeal any inconsistent existing provisions of other City ordinances.

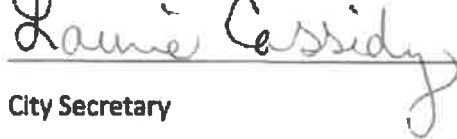
APPROVED AND ADOPTED BY CITY COUNCIL, CITY OF BLANCO, ON THE 10th DAY OF MAY, 2022, AND ADOPTED WITH AMENDMENTS ON 12TH DAY OF JULY, 2022.

CITY OF BLANCO



Mayor

ATTEST:


City Secretary

