

PUBLIC HEARING

**Approval of Rezoning Application from
R5 to C1 to allow for small hotel/
lodging, Located at 515 3rd Street,
Blanco, Texas Block 11, Lots Pts 2&3 &
all 4&5, Acres 1 (Owner: R.L. Toms, Inc.,
Lyndi Achilles)**



City of Blanco

P.O. Box 750 Blanco, Texas 78606
Office 830-833-4525 Fax 830-833-4121

11-7-22

STAFF REPORT: 515 3rd Street Zone change request

DESCRIPTION: Request by owner/applicant to change the zoning of an .80 acre tract of land from R-5 transition to C-1.

ANALYSIS:

The applicant R.L Toms, owns a .80 acre tract south of 3rd street and east of Elm Street a half block off of US 281. This corner property is adjacent to the Uptown complex which is commercial. The property has been operating as Henry House which is an assisted living facility and was previously a nursing home. This facility has 21 rooms with common areas for sitting, cooking, strolling and other activities conducive to assisted living. Nursing Homes are allowed in the R-5 by Special Use. Due to business reasons the applicant closed down Henry House and is looking to establish a small hotel on the site.

The site is zoned R-5 with property zoned C-1 to the east and north, R-5 to the west and south of the property. A rezone from R-5 to C-1 would not be considered Spot zoning because there is property that is C-1 adjacent to the proposed project. Hotel use is not allowed in the R-5 district by right or by Special Use therefore a C-1 Commercial designation would be required to operate a hotel.

The Comprehensive plan discusses the need for "infill." The property was being used for a light commercial purpose and the proposed use would allow for an existing facility to stay in use. The current property was built as a nursing home and therefore it has few options that would work in its current configuration. Most of the rooms have bathroom facilities but not kitchens which would make multi-family housing infeasible.

P&Z and later Council will have to make a determination if a rezone will allow for the best use for this property. Other things to consider will be the impact of a re-zone on the surrounding neighborhood. Staff will later determine if the proposed site plan (building plans) fit within the code and zoning that has been established for this property.



Staff recommends to P&Z that they recommend approval of the rezone to City Council. The biggest issue will be parking but that is an issue that will be resolved by staff when the applicant submits building plans. Incoming traffic will come from US 281 as 3rd Street is a One-way. Outgoing traffic will go out on Elm Street. The biggest reason for supporting the a commercial zone is that a hotel use makes sense for that area and is one of the few uses that can be utilized with little improvements to the property.

FISCAL IMPACT:

21 room small hotel could bring in Hotel Motel taxes. Property would probably increase in ad valorem value as a commercial property.

RECOMMENDATION:

Staff recommends that P&Z provide council a positive recommendation to approve the zone change from R-5 to C-1.

RECEIVED
OCT 06 2022

City of Blanco
Application for Variance Request/Special Use permit

1. Owner Information (the holder (s) of a legal or equitable interest in the Subject Property as shown by the deed records of Blanco County.

| | | | |
|-----------------------------------|-------------------|--------------------|-----------------|
| Property owner's full legal name: | R.L. Toms, Inc. | , Lyndi Achilles | |
| Property owner's mailing Address: | P.O. Box 356 | (515 3rd St) | |
| City: | Blanco | State: Texas | Zip Code: 78606 |
| Home Phone: | Work Phone: | Cell: 210-844-8449 | |
| Email Address: | gradyell@gvfc.com | | |

2. Applicant Information (a person Seeking approval of an application ; can be the Owner or Designated Representative of the Owner)

| | | |
|---|-------------|-------------|
| <input checked="" type="checkbox"/> Same as Owner (if checked, skip to Section 3) | | |
| Applicant's full legal name: | | |
| Applicant's mailing address: | | |
| City: | State: | Zip Code: |
| Home Phone: | Work Phone: | Cell Phone: |
| Email Address: | | |

3. Designated Contact (the individual who the Owner or Applicant has Chosen to receive all communications on his/her behalf related to the Application):

| | | |
|---|--|-------------|
| <input checked="" type="checkbox"/> Same as Owner (skip to section 4) | <input type="checkbox"/> Same as applicant (skip to Section 4) | |
| Contact name: | | |
| Contact mailing address: | | |
| City: | State: | Zip Code: |
| Home Phone: | Work Phone: | Cell Phone: |

4. Additional Information Required Of Business Entities Only:

Is The Owner a Corporation or Partnership? Yes (complete this section) No (skip and go to section 5)

Attach a letter on company stationery, signed by an authorized individual, authorizing the Applicant to file an Application on behalf of the company.

Not Applicable. The Company is serving as the Applicant.

5. Owner's / Applicant's Certification

I hereby certify that the information provided herein is true and correct to the best of my knowledge.

Signature: 

Date: 10-01-2022

Printed Name: Lyndi Achilles

**City of Blanco Application for a Variance Request
Property Information**

| |
|---|
| 1. Owner Information: |
| Property Owner's Full Legal Name: <u>R.L. Toms, Inc. , Lyndi Achilles</u> |

| | | | | |
|---|--------|--------------|---------------------|--------|
| 2. Property Information (the property or tract for which this application has been submitted.) | | | | |
| 911 street address of property (if established) <u>515 BRIST</u> | | | | |
| Legal Description: <u>Blanco, BLK 11, Lots Pts 2 & 3 & All 4 & 5, Acres 1</u> | | | | |
| Lot: | Block: | Subdivision: | Sec: | Phase: |
| If not located in Subdivision: Survey: | | | | |
| Abstract: | | | Recorded (Vol/Page) | |

| |
|--|
| 3. Type of Variance being requested |
|--|

1. Sign
2. Building setback
3. Administrative
4. Special Use
5. Other (please Explain) Change In Zoning

| |
|---|
| All Applicants Complete the Following: |
|---|

| Ordinance and section being appealed | Requirements of Regulation | Variance Sought from requirements |
|--------------------------------------|----------------------------|--|
| R5 | | Request for Commercial Zone so as to allow a small Hotel |
| | | |
| | | |

| |
|---|
| Hardship Findings (attach additional sheets if necessary): |
| Describe the actual situation of the subject property and any special or unique condition(s) found thereon which may cause unusual and practical difficulty or unnecessary hardship if Applicant is made to comply with strict enforcement of the ordinance: |
| The Building's original use was a Nursing Home, and then Assisted Living., so it is very limited on it's use. The big lobby, the layout of the building, parking, close proximity to town and the area in which it is located are perfect for a small Hotel. |
| Describe how strict enforcement of the provisions of the ordinance that are sought to be varied will (A) deny the applicant the privileges or safety commonly enjoyed by neighboring or similarly situated property in the City of Blanco with similarly timed development and (B) deprive the Applicant the reasonable use of his/her land, and that failure to grant this variance would result in undue hardship to the Applicant : |
| The use of the building is very limited. The expense of utilities, taxes, etc. do not allow for many affordable uses. |
| Describe how the granting of a variance will not be detrimental to public health, safety, and welfare, will not be injurious to other property, or will not prevent the enjoyment/use of adjacent property owners: |
| The area in which the building is located is in somewhat of a "commercial area" and would only add to the appeal of staying right in town with access to everything. Short term stays, adequate parking, the street being one way and only renting 21 rooms should not affect the area negatively. |
| Describe how the hardship sought to be avoided is NOT the result of (A) the applicant's own actions (self imposed or self created) and /or (economic or financial hardship) |
| The building has served the elderly in Blanco and surrounding areas for over 40 years, And would still be in operation if it was financially feasible. COVID, inflation (high costs of utilities, food, taxes, etc. and the low census have had a huge impact on the industry. |
| Describe how the variance will improve the functionality of the property: |
| The ability to open a small hotel will be a great use of the property with very little financial hardship. And many opportunities in the future. |


| |
|---|
| Attach any requested building plans, site plans, plats, surveys, or any other pertinent documents having any importance to this request behind this sheet and list documents and descriptions below: |
| 1. The layout of the building, large lobby, kitchen, private rooms, additional parking, etc. |
| 2. The location of the building in relation to the square, it is in walking distance to the square, the river, many businesses, etc. |
| 3. _____ |
| 4. _____ |
| 5. _____ |
| 6. _____ |
| 7. _____ |
| 8. _____ |

9.

Owner's/ Applicant's Certification:

I hereby certify and agree to the following:

1. I have carefully read the complete Application and know all statements herein and in the attachments hereto are true and correct to the best of my knowledge.
2. The Owner of the Subject Property, if different from the Applicant, has authorized the submittal of this application.
3. No work in relation to the requested variance may start until such variance is approved by the City Council of the City of Blanco.
4. Variance approval may be revoked if any false statements are made herein.
5. As the Owner of the above property or Duly Authorized Applicant, I hereby grant permission to the City of Blanco, its employees, officers and Duly appointed board and commission members to enter the premises to make all necessary inspections and to take all other actions necessary to review and act upon this Application.

Signature:  _____

Print Name: Lyrdi Achilles

Date 10-1-2022


Required Documents for Variance Submittal


1. Legal description and plat of subject site.
Two (2) copies of field note description typed and attached on a separate sheet (plain bond paper, not letterhead, or the subdivision name with lot and block number.
2. Map, clearly showing the site in relation to the adjacent streets and distance to the nearest thoroughfare.
3. Names and Addresses of legal property owners within 200 feet of the block or parcel (this can be obtained at the Blanco County Appraisal District located at 615 Nugent Ave. Johnson City, TX 78636. (830) 838-4013.)
4. A completed application.
5. A filing fee of \$750.00 plus \$7.58 per property owner within 200 feet.

$$\begin{array}{r} 750 \\ 106.12 \\ \hline 856.12 \end{array}$$










Legend

Basemap Layers

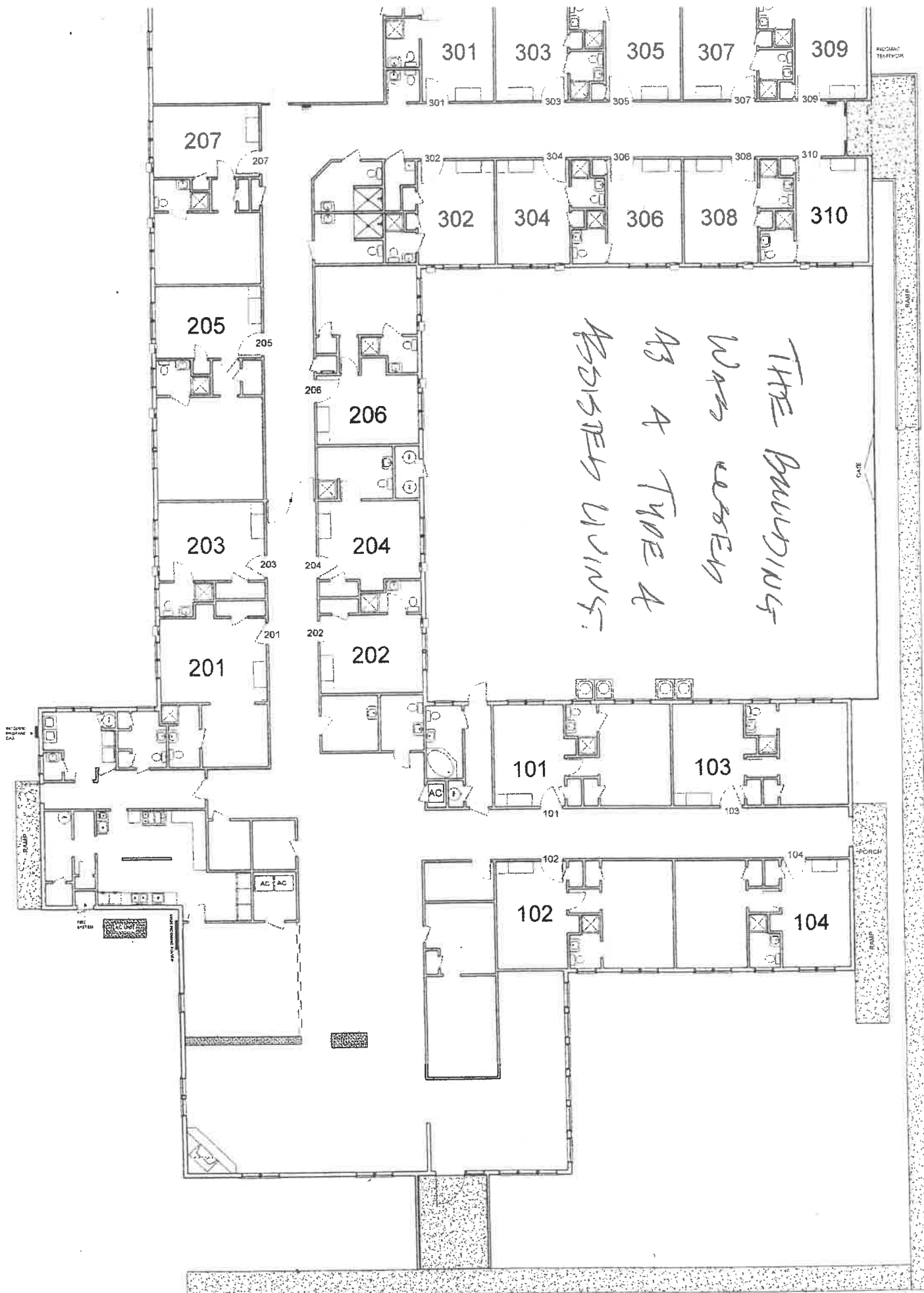
City Limits


County Boundary


Zoning

| | |
|---|-----|
|  | AG |
|  | C1 |
|  | GUI |
|  | I1 |
|  | R1 |
|  | R2 |
|  | R3 |
|  | R4 |
|  | R5 |





THE BUILDING
WAS DESIGN
AS A TYPE A
ASSIGNED WINING

MECHANICAL TEST ROOM

MECHANICAL TEST ROOM

PORCH

PORCH

FIRE SYSTEM

AC UNIT

AC AC

AC

PORCH

Blanco CAD Property Search

Property ID: 1742 For Year 2022

Map



Property Details

Account

Property ID: 1742
Legal Description: BLANCO , BLK 11 , LOT PTS 2 & 3 & ALL 4 & 5 , ACRES 1.0
Geographic ID: 1406001001

Agent:

Type: Real

Location

Address: 515 3RD ST BLANCO, TX 78606

Map ID: C5

Neighborhood CD: BL-COMM

Owner

Owner ID: 11722

Name: R L TOMS INC

Mailing Address: P O BOX 356
BLANCO, TX 78606

% Ownership: 100.0%

4. Payment is made in cash, its equivalent, or in specified financing terms.
5. Specified financing, if any, may be the financing actually in place or on terms generally available for the property type in its locale on the effective appraisal date.
6. The effect, if any, on the amount of market value of atypical financing, services, or fees shall be clearly and precisely revealed in the appraisal report."²

IDENTIFICATION OF THE SUBJECT PROPERTY

The subject property is located in the City of Blanco, Blanco County, Texas, at the southeast corner of the intersection of Third and Elm Streets. The improvements consist of a 62-bed nursing home located on a 0.80 acre tract of land. The project is known as the Blanco Mills Nursing Center. The site is legally described as follows:

A 0.80 acre tract of land out of the H. Eggleston League Survey No. 24, being Lots 4 and 5, the north 1/2 of Lot 3, and part of Lot 2, Block 11, City of Blanco, Blanco County, Texas.

²American Institute of Real Estate Appraisers of the National Association of Realtors; The Dictionary of Real Estate Appraisal, p. 123.

NOTICE

Prepared by the State Bar of Texas for use by lawyers. To select the proper form, fill in blank spaces, strike out form provisions or insert special terms constitutes the practice of law. No "standard form" can meet all requirements.

V91 DR

WARRANTY DEED
(LONG FORM)

THE STATE OF TEXAS
COUNTY OF BLANCO

} KNOW ALL MEN BY THESE PRESENTS:

That we, SUNRAY CORPORATION, and RAY J. HYMEL, individually and PAUL B. NICKS, individually,

of the County of Blanco and State of Texas for and in consideration of the sum of Ten and No/100----- (\$10.00)----- DOLLARS and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of

which is hereby acknowledged, (1) The assumption by the Grantee of the unpaid principal balance of that certain first and superior Deed of Trust lien dated June 3, 1975, in the original principal amount of [REDACTED], payable to First Federal Savings and Loan Association in New Braunfels, Texas, and being secured by a Deed of Trust against the above described property to W. B. Nuhn, and being duly recorded; and (2) the assumption of a second lien Deed of Trust, dated September 9, 1975, in the original principal amount of [REDACTED], payable to Hilmar Bindseil and wife, Cora Bindseil, and being secured by a Deed of Trust of record in Volume 43, Page 114, Deed of Trust Records of Blanco County, Texas, John Stevenson, Trustee;

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto R. L. TOMS, INC., a Texas Corporation

of the County of Blanco and State of Texas, all of

of the County of Blanco and State of Texas for and in consideration of the sum of Ten and No/100----- (\$10.00)----- DOLLARS and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of

which is hereby acknowledged, (1) The assumption by the Grantee of the unpaid principal balance of that certain first and superior Deed of Trust lien dated June 3, 1975, in the original principal amount of [REDACTED], payable to First Federal Savings and Loan Association in New Braunfels, Texas, and being secured by a Deed of Trust against the above described property to W. B. Nuhn, and being duly recorded; and (2) the assumption of a second lien Deed of Trust, dated September 9, 1975, in the original principal amount of [REDACTED], payable to Hilmar Bindseil and wife, Cora Bindseil, and being secured by a Deed of Trust of record in Volume 43, Page 114, Deed of Trust Records of Blanco County, Texas, John Stevenson, Trustee;

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto R. L. TOMS, INC., a Texas Corporation

of the County of Blanco and State of Texas, all of the following described real property in Blanco County, Texas, to-wit:

All that certain tract or parcel of land lying in and being situated in Blanco County, Texas, a part of and out of the H. Eggleston League Survey Number 24, and a part of and out of Old Block Number 20, ANNA HARRISON ADDITION to the Town of Blanco, Texas, and being Lots 15 and 16, PARADISE HEIGHTS SUBDIVISION of the Town of Blanco, Texas, as shown on the map or plat of such Subdivision recorded in Volume 67, Page 32, Deed Records of Blanco County, Texas, being known as Sunnyside Nursing Home.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said grantee, its successors and assigns forever; and it do^e hereby bind itself. its successors ~~xxxxxx~~ W A D D A N T

Public Domain - Digitized by Google

AND FOREVER DEFEND all and singular the said premises unto the said grantee , its successor heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 27th day of July, A. D. 19 76.

SUNRAY CORPORATION
By [Signature] RAY J. HYMEL, President

[Signature]
RAY J. HYMEL, Individually

[Signature]
PAUL B. NICKS, Individually

[Signature]
RAY J. HYMEL, First Party in Joint Venture Agreement

[Signature]
PAUL B. NICKS, Third Party in Joint Venture Agreement

EXECUTED this 27th day of July, A. D. 19 76.

SUNRAY CORPORATION

By [Signature]
RAY J. HYMEL, President

[Signature]
RAY J. HYMEL, Individually

[Signature]
PAUL B. NICKS, Individually

[Signature]
RAY J. HYMEL, First Party in Joint
Venture Agreement

[Signature]
PAUL B. NICKS, Third Party in Joint
Venture Agreement

(Acknowledgment)

THE STATE OF TEXAS
COUNTY OF BEXAR

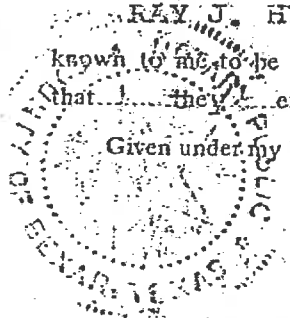
Before me, the undersigned authority, on this day personally appeared

RAY J. HYMEL and PAUL B. NICKS,

known to me to be the person s whose name s are subscribed to the foregoing instrument, and acknowledged to me:
that s they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the 27th day of July, A. D. 19 76.

[Signature]
Notary Public in and for Bexar County, Texas:



(Acknowledgment)

THE STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person _____ whose name _____ subscribed to the foregoing instrument, and acknowledged to me that _____ he _____ executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the _____ day of _____, A. D. 19 _____

Notary Public in and for _____ County, Texas.

WARRANTY DEED
(Long Form)

TO

FILED FOR RECORD
AT 8:28 A.M. AUG 2 1976

AUG 2 1976

Jeffy B. Furber
Clerk to Court, Blanco County, Texas
By *[Signature]* Deputy

PREPARED IN THE LAW OFFICE OF:

PLEASE RETURN TO:

(Corporate acknowledgment)

THE STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared **RAY J. HYMEL**
President of **SUNRAY CORPORATION,**

a corporation known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the *27th* day of **July**, A. D. 19 **76**.

[Signature]
Notary Public in and for **Bexar** County, Texas.

FILED FOR RECORD AUGUST 2nd, 1976 at 8:28 A. M.
JEFFY B. FURBER, CLERK, BLANCO COUNTY, TEXAS
RECORDED AUGUST 2nd, 1976 at 10:15 A. M.



Imagery ©2022 CAPCOG, CNES / Airbus, Maxar Technologies, Map data ©2022 Google 50 ft



515 3rd St

Blanco, TX 78606
Building



Directions



Save



Nearby

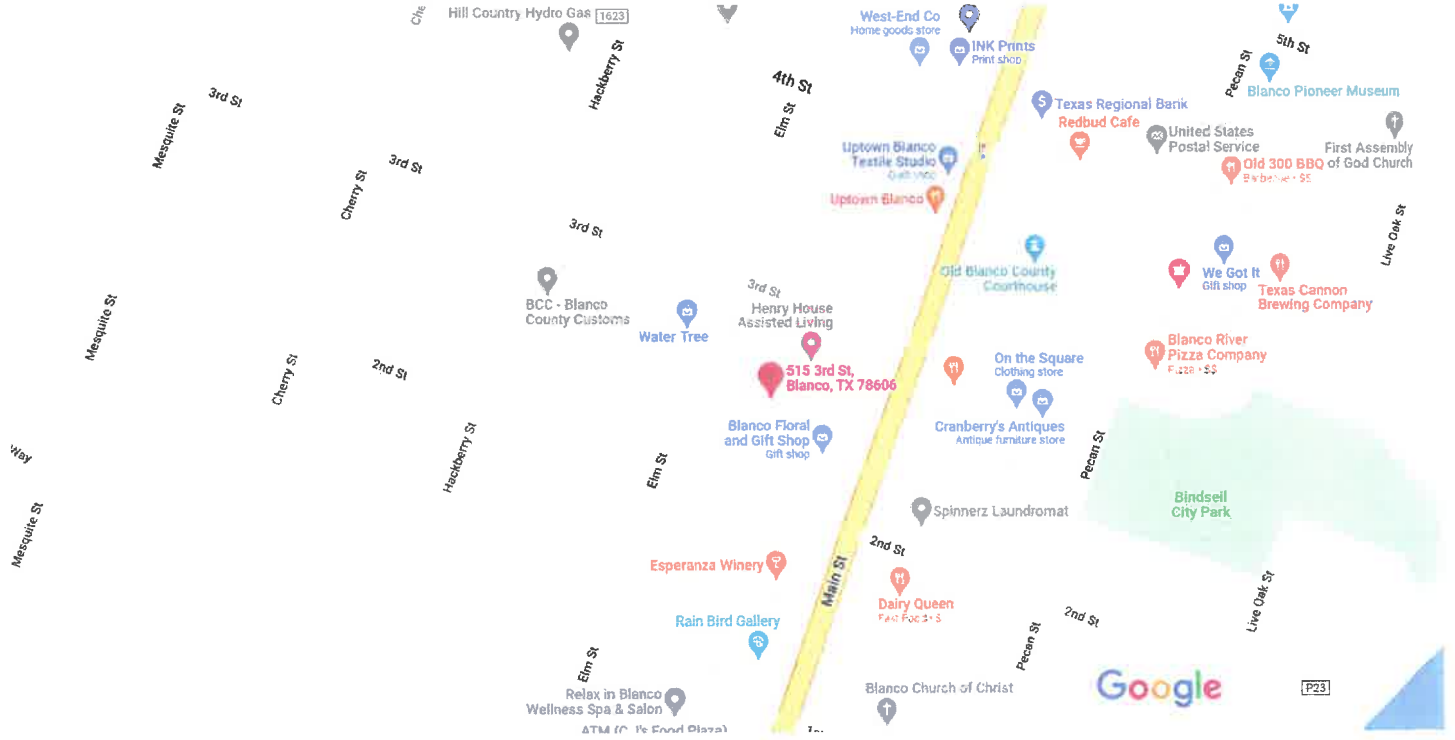


Send to
phone



Share

Photos



Map data ©2022 Google 100 ft



515 3rd St

Building



Directions



Save



Nearby



Send to phone



Share



515 3rd St, Blanco, TX 78606

Photos

- Blanco
ty Customs

Jazels Hair Studio/
Barber Shop

Water Tree

Henry House
Assisted Living

Hall David A.

515 3rd St,
Blanco, TX 78606

Blanco Floral
and Gift Shop
Gift shop

Map data ©2022 Google 20 ft



PROPOSED
PARKING LOT
FOR EXTRA
PARKING TO THE
LEFT OF THE
BUILDING.

515 3rd St

Building



Directions



Save



Nearby



Send to
phone

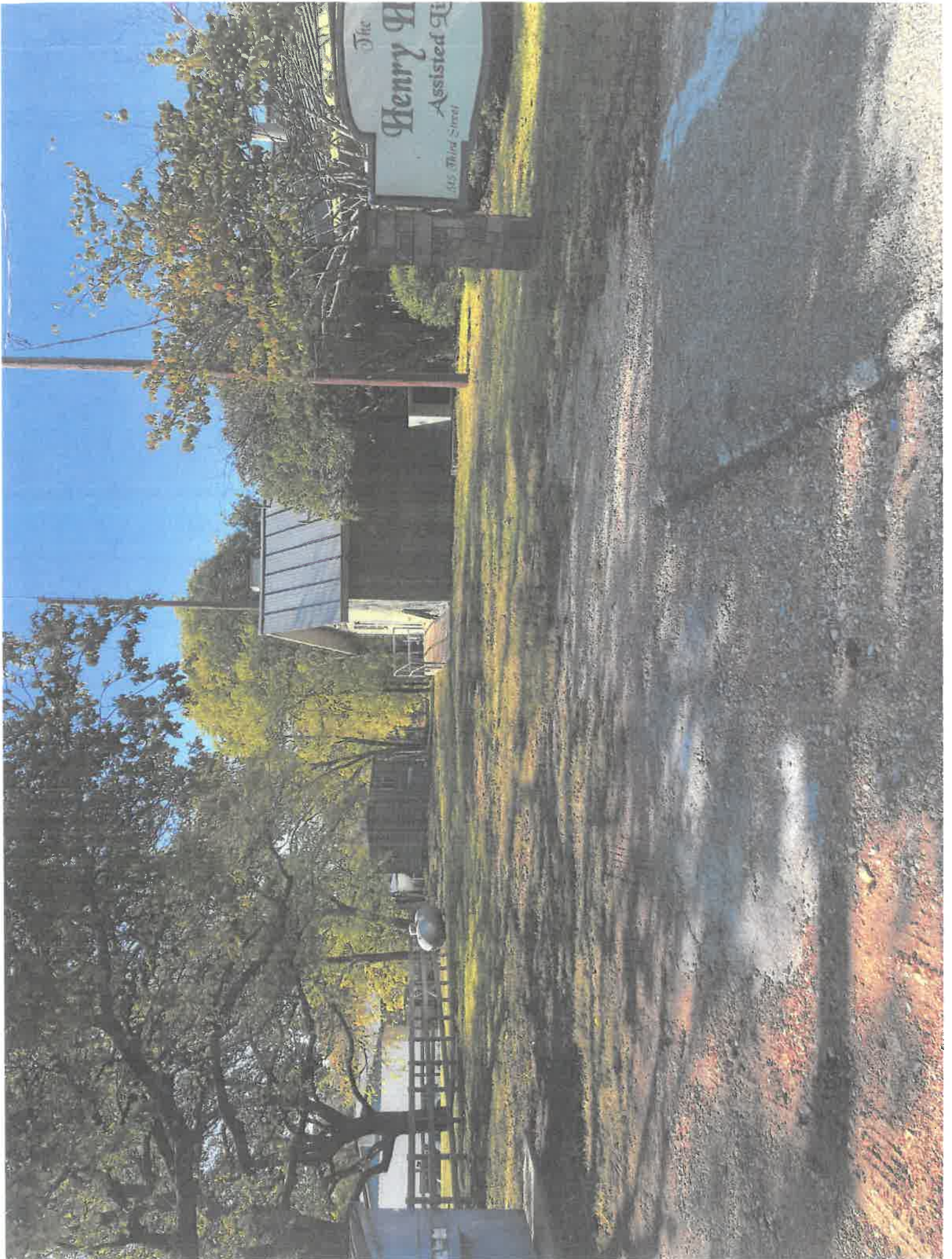


Share



515 3rd St, Blanco, TX 78606

Photos



STAFF
CITY HALL

**STAFF
POLICE
DEPARTMENT**

BLANCO POLICE DEPARTMENT MONTHLY STATISTICS 2022



| January | February | March | April | May | June | July | August | September | October | November | December |
|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|
|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|

| Crime Statistics | | | | | | | | | | | | YTD | |
|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|-----|------|
| Major Crimes | | | | | | | | | | | | | |
| Assaults | 2 | 0 | 2 | 0 | 2 | 3 | 1 | 0 | 0 | 0 | | | 10 |
| Sexual Offenses | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | | | 1 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | 0 |
| Burglaries | | | | | | | | | | | | | |
| Residence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | | | 1 |
| Vehicle | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | | | 1 |
| Business | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | | | 1 |
| Theft | 2 | 4 | 2 | 0 | 3 | 4 | 2 | 2 | 5 | 0 | | | 24 |
| Criminal Mischief | 0 | 2 | 3 | 2 | 2 | 3 | 2 | 1 | 1 | 1 | | | 17 |
| Alcohol Violations | 1 | 3 | 0 | 2 | 8 | 4 | 3 | 2 | 3 | 3 | | | 29 |
| Narcotics Violations | 5 | 8 | 2 | 1 | 9 | 3 | 0 | 7 | 3 | 6 | | | 44 |
| Arrests | | | | | | | | | | | | | |
| Individuals | 10 | 4 | 6 | 6 | 9 | 10 | 4 | 4 | 5 | 5 | | | 63 |
| Adult | 10 | 4 | 1 | 5 | 8 | 10 | 4 | 4 | 5 | 5 | | | 56 |
| Juvenile | 0 | 0 | 5 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | | | 7 |
| Offenses | 17 | 6 | 5 | 6 | 16 | 17 | 6 | 5 | 5 | 7 | | | 90 |
| Felony | 12 | 4 | 0 | 2 | 7 | 5 | 0 | 2 | 2 | 2 | | | 36 |
| Misdemeanor | 5 | 2 | 5 | 4 | 9 | 12 | 6 | 3 | 3 | 5 | | | 54 |
| Filed by CID | 0 | 4 | 10 | 3 | 6 | 2 | 9 | 1 | 1 | 1 | | | 37 |
| Calls for Service | | | | | | | | | | | | | |
| Total Calls for Service | 237 | 238 | 324 | 287 | 312 | 258 | 259 | 257 | 216 | 224 | | | 2612 |
| Assist EMS | 17 | 9 | 15 | 6 | 13 | 12 | 17 | 12 | 8 | 7 | | | 116 |
| Assist Fire | 17 | 5 | 8 | 8 | 3 | 5 | 4 | 4 | 1 | 2 | | | 57 |
| Assist Other Agency | 18 | 7 | 25 | 21 | 16 | 20 | 27 | 34 | 32 | 25 | | | 225 |
| Assist Public | 2 | 11 | 9 | 7 | 13 | 6 | 2 | 6 | 13 | 8 | | | 77 |
| Accidents | 6 | 4 | 1 | 11 | 5 | 8 | 9 | 7 | 15 | 9 | | | 75 |
| Disturbances | 8 | 2 | 5 | 6 | 6 | 4 | 5 | 2 | 3 | 2 | | | 43 |
| Suspicious Activity | 13 | 14 | 30 | 28 | 24 | 13 | 14 | 19 | 15 | 16 | | | 186 |
| Alarms | 19 | 7 | 2 | 5 | 14 | 8 | 4 | 3 | 6 | 6 | | | 74 |
| Animal Calls | 1 | 7 | 9 | 7 | 6 | 6 | 9 | 9 | 3 | 4 | | | 61 |
| City Ordinance Viol. | 1 | 5 | 2 | 3 | 0 | 3 | 3 | 5 | 0 | 0 | | | 22 |
| Traffic Enforcement | | | | | | | | | | | | | |
| Citations | 40 | 25 | 32 | 54 | 58 | 51 | 56 | 48 | 58 | 69 | | | 491 |
| Warnings | 84 | 106 | 84 | 123 | 143 | 147 | 95 | 130 | 119 | 121 | | | 1152 |
| Speeding | 19 | 7 | 21 | 21 | 25 | 26 | 29 | 22 | 39 | 27 | | | 236 |
| D.L. Violations | 7 | 1 | 2 | 6 | 12 | 13 | 13 | 7 | 9 | 5 | | | 75 |
| Registration | 5 | 2 | 4 | 8 | 11 | 10 | 11 | 5 | 7 | 6 | | | 69 |
| Insurance | 0 | 3 | 1 | 7 | 4 | 7 | 7 | 8 | 2 | 4 | | | 43 |
| Stop Sign/Light | 3 | 1 | 1 | 7 | 1 | 2 | 0 | 0 | 2 | 5 | | | 22 |
| Equipment | 0 | 0 | 0 | 0 | 6 | 2 | 1 | 1 | 0 | 0 | | | 10 |
| Other | 6 | 11 | 3 | 5 | 10 | 5 | 4 | 9 | 4 | 9 | | | 66 |
| | | | | | | | | | | | | | 0 |
| Other | | | | | | | | | | | | | |
| Time Out of City | 32 | 15 | 27 | 31 | 34 | 40 | 30 | 12 | 18 | 28 | | | 267 |
| Record Requests | 15 | 16 | 18 | 12 | 11 | 11 | 16 | 14 | 17 | 15 | | | 145 |
| Golf Cart Permits | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | | | 2 |
| Home Watches | 82 | 81 | 115 | 108 | 110 | 68 | 93 | 106 | 63 | 89 | | | 915 |

CONSENT
ITEM #1

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

**Meeting Minutes
October 11, 2022**

A regular meeting and public hearing of the City Council, City of Blanco, Texas was held on October 11, 2022, at 6:00 pm at the Gem of the Hills, 2233 US 281, Blanco, Texas.

The meeting was called to order at 6:02 pm by Mayor Rachel Lumpee, followed by roll call (Laurie Cassidy) announcing a quorum was present. The Pledge of Allegiance was led by Mayor Lumpee. Council members present: Mayor Lumpee, Mayor Pro-Tem Barron, and Council Members McClellan and Thraikill. Council Members Smith and Divine were absent.

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

Mayor Lumpee made the following announcements:

- I am so excited to announce that the City of Blanco has achieved Gold Status for Scenic City Certification. The Scenic City Certification Program is “to support and recognize the Texas municipalities that implement high-quality scenic standards for public spaces” which include having higher municipal standards, environmental conservation, economic growth and growth management, and high quality of life for citizens. There are currently 91 certified Scenic Cities. This application was completed by citizens (myself included) who volunteered their time- not City Staff. City Staff was present alongside me at the Scenic City Award Ceremony that took place at the Texas Municipal League Conference last week because they were attending the conference and wanted to support the City’s achievement. I would like to give a big thanks to all those who helped with this application.
- Blanco County burn ban remains on at this time and is set to expire at noon on Oct. 25.
- The City of Blanco remains on Stage 2 water restrictions.
- I usually announce all the upcoming events around town during this time, but I realize this is a lot of information. I encourage everyone to look at the calendar of events that can be found on the City’s website and I also encourage citizens to sign up for the Chamber’s bi-weekly blast which contains information about upcoming events around town as well.
 - The Blanco Rotary Club is collecting coats for H.O.P.E. ministries from Oct. 6-21, 2022.
 - The United Methodist Church’s pumpkin patch is open Monday - Friday 4-7 and Sat-Sun from 11-7 until Oct. 31.
 - Blanco Market Days will take place on Oct. 15 from 9 to 4 on the Courthouse lawn.
 - The library is hosting a Family Fall Day event on Oct. 15 from 10:30 to 12.
 - Our next HWY 281 Task Force meeting will be at 11 a.m. on Oct. 24 at the Byars Building.
 - Texas Marigold Festival will take place Oct. 22-29.
 - Real Ale Ride will take place on Oct. 29. Parking and on-site registration will open at Real Ale Brewing Company at 6:30 a.m.
 - Echo Gallery will be hosting its second “Noche en Blanco” event on Oct. 30 from 5-8.
 - Trick or Treat on the Square will take place on Halloween, Monday, Oct. 31 at 5:30 p.m.

- The Buggy Barn Museum will host its Family Fun Day on Nov. 5 from 9 a.m. to 5 p.m.
- Trails, Tales, and Tunes event will be held at the Gem of the Hill on Nov. 6 at 5 p.m.
- We are about a year away from the annular solar eclipse which will occur on Oct. 14, 2023. The Blanco County Eclipse Task Force is actively working to help prepare for this eclipse. More information can be found at Blancocountyecclipse.org.
- Lastly, I would like to congratulate our City Secretary, Laurie Cassidy, for passing her final Texas Municipal Clerks Association exam last month. Mrs. Cassidy is officially a certified municipal clerk. We appreciate her taking the initiative to obtain her certification and are beyond proud of her accomplishment. Congratulations, Mrs. Cassidy!

Public Comments:

- Wendy Smith, Blanco resident spoke regarding Rocky Road Estates, asked the City to resend the establishing of that subdivision plat which she stated was subdivided illegally based on deed restrictions.
- Gail McClellan, resident at 1510 Greenlawn Pkwy, spoke regarding the Heritage Oaks within the Greenlawn Subdivision. She stated on Friday, October 7 she witnessed a large Heritage Oak being cut down on the property and that this goes against their building permit. She is also concerned with Oak Wilt at this time of year. She is interested in knowing if they will be fined (there is no bringing back the tree). She suggested their permit be revoked or they be punished by taking away one house for every tree removed.
- Wayne Gosnell, Blanco resident for the past 25 years, spoke regarding city ordinances. Why does the city need ordinances? He is in favor of current ordinances. Ordinances keep Blanco Blanco and are needed to keep order in place. The annual Trash-Off helps keep the city cleaned up. Shout out to Andrew Forsberg for cleaning up lot off 4th Street and hauling off old house and also for placing trash cans by the river, Also thanks to Mike Arnold for cleaning up and renovating the old nursing home. It is up to the Council to make revisions to current ordinance where needed and these ordinances should reflect Blanco's rural character and help preserve what we have and keep Blanco a recognized Scenic City and beautiful for the future.

Proclamation:

Mayor Lumpee read the Texas Recycles Day Proclamation.

Presentations:

1. Chamber of Commerce Quarterly HOT Funds Report: Libbey Aly gave a presentation and spoke regarding how quarterly funds have been spent on advertising for tourism, etc. She shared that the visitors center is staffed 7 days a week. Mayor Pro-Tem Barron, asked to consider other ways to use the funds such as a kiosk guide for other businesses not located on the square, paid for by HOT funds. Mayor Lumpee thanked Ms. Aly for all her hard work.

2. **Capital Improvement and Asset Management Advisory Committee (CIAMAC) Report:** Mike Rieken, Chair shared the accomplishments achieved to date by all the committee volunteers. The formation of the CIAMAC has provided a means of leveraging community resources to assist the city improve and maintain infrastructure and to provide continuity for elected officials. In the year and a half, they have been meeting they have found old maps created for water system and developed interactive map of City streets. They have constructed a capital improvement plan, clarified the billing process and water leaks and inefficiencies. Work in progress include water system GIS map, capture leak and jetting data, continued refinement of the Capital Improvement Plan, utility reporting, compliance support (getting the right information to the right people), information management, map digitization (sorted through maps and found **one** worth digitalizing) and creative funding. Key take aways include formation of committee, maintenance of city infrastructure which has been historically underfunded and now requires normal maintenance plus 50 or more years of catch up-roughly \$45 million, fixing requires innovative solutions, funding and continuous improvement, and long term planning. We will need to strengthen interaction between elected officials and groups working on long term endeavors. Roads, water, and sewer are all interconnected, not realistic to work on one system at a time. Need to prioritize and work on all together and complete one project at a time. Continue to look for funding alternatives. Cannot fix overnight and cannot pay for all with rate increases. Long term volunteer committee helping council. Make a long term plan and willingness to increase revenue. Need to make it a priority. Mayor Lumpee and Mayor Pro-Tem Barron thanked Mr. Rieken and his committee for their hard work. Mr. Rieken said the committee has several priorities that have been identified. Council Member McClellan asked how near to capacity is the WWTP, how much growth can we take, and the answer is WWTP is currently at 56% capacity.

Oath of Office was administered to New Police Officers, Daniel DeLaRosa, and Zachary Rice by Police Chief Rubin.

Closed regular meeting at 6:55 pm and open public hearing.

PUBLIC HEARINGS:

1. Approval of Special Use Permit to Allow for a Food Court, Located at John Taylor Addition Block 2, Lot 1, Property located in R-5 (Owner: Andrew Forsberg & Clint West, Shrimpies, Inc.)
2. Appeal of Administrative Decision Denying Application for Building Permit to Install Two Intermodal Shipping Containers (ISCs) at 1725 S. US Hwy 281, Blanco, Texas (Owner: Second Echo LLC).
 - Laurie Cassidy, City Secretary read comment submitted by Lynn DeVincenzo Speaking out in opposition of the shipping containers being used for storage on properties. She does not believe these types of containers are consistent with the city's guidelines. NOT in the spirit of the city's codes, or in line with the city's beautification desires that the city is working hard to achieve.

- Mike Arnold, Blanco business owner next to Second Echo, spoke out in favor of shipping containers. He said they (Second Echo) have invested in the property. He has seen shopping centers and high dollar homes built from the containers that look well done. This is one instance where technology and building practices have advanced faster than city ordinances. These containers are environmentally and energy friendly, will be well constructed and will make the property look better. It's a technology that can be used well, this is why it is a special use permit for review on a case by case basis. He hopes they will be allowed in this instance.

Closed public hearing at 7:00 pm and opened regular meeting.

Staff Presentations:

- City Hall, Warren Escovy, City Administrator shared the following: The City is still under Stage 2 Water Restrictions; 4th Street by Old 300 BBQ in the downtown Historic District, TxDOT will begin improvements to include re-stripping the intersection and adding flashing stop signs on both sides of 4th Street, code enforcement is currently focusing on aesthetics; the City is looking to hire the TxDOT contractor to stripe the rest of the downtown square; Planning & Zoning will be holding a Town Hall on October 17, 6:30 pm to get citizen input on UDC updates and also Atlas Design will make presentation on the 281 Overlay zone. Water Treatment Plant update, waiting on electricity from PEC, and receipt of generators, should be substantially complete by mid-November and final completion by end of December.
- Police Department, Chief Rubin presented the September 2022 Monthly Statistics Report. As of oath tonight, fully staffed, one officer on light duty and one in training. Gearing up for upcoming activities including the Veterans Day Parade, Real Ale ride, and Halloween on the Square. Did receive donation of weight equipment from Blanco ISD as they updated their equipment and also received donation of new high tech door entry "buzzer".

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 September 13, 2022, Regular Meeting and Public Hearing.
2. Approval of Minutes from the October 4, 2022, Special Meeting.
3. Approval of Appointment of Rodney Thrailkill as City Council Liaison to the Blanco Water Reclamation Task Force facilitated by The Meadows Center for Water and the Environment at Texas State University.
4. Approval of Resolution 2022-R-009 Declaring Certain Personal Property Surplus Equipment and Authorizing Sale (Police Department).
5. Approval of Resolution 2022-R-010 Criminal Justice Division Grant Application.

6. Approval of Resolution 2022-R-011 Declaring Excess City Property Surplus (Public Works Vehicles) and Authorizing Disposal.
7. Approval of Resolution 2022-R-012 Approving Certain Engagement Terms Relating to Preparation and Filing of an Application for Grant Under the US Department of Agriculture's Rural e-Connectivity Pilot Program.

(Item #4, question by McClellan, Chief clarified the surplus are traded into the vendor during purchase of new equipment)

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

Mayor moved: New Business, Item #2

1. Discussion, Consideration, and Take Action on Approval of Proposal from Moriarty & Associates, LLC to Prepare a Financial Application for the City of Blanco at a Cost of \$42,000.00. Warren said William Moriarty has been working hard and the City is one of 60 fortunate ones to be selected. TWDB, approved the intended use plan for the DWSRF PIF application by unanimous vote. The next step in the process is that TWDB will send out one letter for each project inviting the City to submit a full application. The City will have 60 days to submit the full application (8-10 months, funds in escrow, subsidized loan, \$600,000 grant funds, federal infrastructure money). Mayor Pro-Tem Barron thanked Mr. Moriarty for helping City find money. Per Warren, the projects effected are the Palomino water line, this is a great way to cover costs. **A motion was made by Mayor Pro-Tem Barron to approve the proposal from Moriarty & Associates, to receive TWDB funds at the cost of \$42,000, seconded by Council Member McClellan, all in favor, motion carried unanimously.**

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

1. Consideration, Discussion, and Take Action on Approval of Financing Options of SCADA Upgrade/ Replacement for Blanco Distribution System at a Cost of \$151,820.00 (Warren Escovy, City Administrator). Warren said in a previous meeting the Council authorized staff to pay 50%, looking for financing for the other 50%. **No Action taken.**
2. Consideration, Discussion, and Take Action on Amendment to Chapter 7 of the Code of Ordinances in Health and Sanitation for the maximum height of weeds and other vegetation and Amendment to Chapter 3 Animal Control Livestock (loose livestock). Warren Escovy, City Administrator said this is a great community, trying to look at the rules and do them the best way we know how. Think about what you want for your community. Currently the ordinances say grass should be at 12" and animals should be restrained, but it does not say that you cannot have animals. Staff recommendation for Chapter 7 of Health and Sanitation (growth) is to change the restriction in single-family occupied homes from 12 inches to (18 or 24 inches) but to require 12 inches on vacant lots and commercial properties. Recommendation for Chapter 3 of the Animal Code would be to move to a Complaint based enforcement primarily as this issue is not very widespread. The council discussed both chapters of the ordinance.

A motion was made by Mayor Pro-Tem Barron to table item for further discussion, seconded by Council Member McClellan, , motion carried 2-1 with Council Member Thraikill opposed.

3. Consideration, Discussion, and Take Action on Approval of Voluntary Annexation of 4.09 Acre Property at Rocky Road Estates located in the Horace Eggleston Survey No. 24, Abstract No. 1, Blanco County, Texas. Warren Escovy said he received an email from the Owner, Callan McNett to withdraw his request to annex. Based on public comments the City will be reviewing approval of plat to possibly repeal. **No Action Taken.**

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

1. Discission, Consideration, and Take Action on Appeal of Administrative Decision Denying Application for Building Permit to Install Two Intermodal Shipping Containers (ISCs) at 1725 S. US Hwy 281, Blanco, Texas (Owner: Second Echo LLC). Warren Escovy said staff recommended this go to planning commission as a request for special use permit. Mr. Sone spoke explaining his situation. Mayor Pro-Tem Barron asked why Mr. Sone did not request a special use permit? The reply: the code did not say that, and he was following the code. Council discussed in detail **A motion was made by Council Member McClellan to approve the application for building permit to install two intermodal shipping containers (ISCs) at 1725 S. US Hwy 281, Blanco, Texas subject to submission and approval of renderings by the City Administrator, seconded by Mayor Pro-Tem Barron, all in favor, motion carried unanimously.**
3. Discussion, Consideration, and Take Action on Approval of Special Use Permit to Allow for a Food Court, Located at John Taylor Addition Block 2, Lot 1, Property located in R-5 (Owner: Andrew Forsberg & Clint West, Shrimpies, Inc.) Will be 5 vendors, need TxDOT input, and more information on parking. Item tabled by Planning & Zoning Commission pending submittal of additional documentation. **A motion was made by Council Member McClellan to table item, seconded by Mayor Pro-Tem Barron , all in favor, motion carried unanimously.**
4. Discussion, Consideration, and Take Action on Approval of Variance from Section 9.03.183(c) Banners on Non-Residential Property to Allow Banners to be Displayed All Year in the Historic District Instead of Four Times for 30 days Each Time. Ryan Moses, Vice Chair asked for variance to be allowed to hang banners., assisted by Gail McClellan, Item passed by Planning & Zoning Commission. Already have the hardware to mount banners. **A motion was made by Council Member Thraikill to approve the variance from Section 9.03.183(c) banners on non-residential property to allow for banners to be displayed all year in the historic district instead of four times for 30 days each time, and waive fee of \$400, seconded by Council Member McClellan, all in favor, motion carried unanimously.**

Closed regular meeting at 8:37 pm and convened into executive session.

Executive Session in accordance with Texas Government Code: in accordance with the authority contained in the Texas Government Code, Sections 551.071, 551.072, and 551.074.

1. Texas Government Code Sections 551.071 (Consultation with City Attorney), 551.072 (Real Estate) and Section 1.05, Texas Disciplinary Rules of Professional Conduct; Confer with City Attorney regarding Pharr Paradise Utility Easement Agreement.
2. Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct and 551.072 (Real Estate). Confer with City Attorney regarding Canyon Lake Water SC (CLWSC); Water Valuation with West Water, City's interest undivided interest.
3. Texas Government Code Section 551.071 (Consultation with City Attorney), Section 05, Texas Disciplinary Rules of Professional Conduct: to wit, Discussion with legal counsel Regarding Potential Broadband Grant (Jack Twilley).

Closed executive session at 9:18 pm and convened into regular meeting.

Items 1-3: No action taken.

Adjournment:

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

The meeting was adjourned at 9:18 pm.

Respectfully submitted,

Rachel Lumpee, Mayor

ATTEST:

Laurie A. Cassidy, City Secretary

These minutes were approved on the _____ day of _____, 2022.

CONSENT
ITEM #2

INVOICE

Gem of the Hills
2233 US Highway 281 North
Blanco, TX 78606-1572

office@gemofthehills.org
830-833-2713
gemofthehills.org



City of Blanco

Bill to

City of Blanco
300 Pecan Street
Blanco, TX 78606

Ship to

City of Blanco
300 Pecan Street
Blanco, TX 78606

Invoice details

Invoice no. : 1009
Invoice date : 10/5/22
Terms : Net 30
Due date : 11/4/22

| Product or service | Amount |
|--|----------------------------------|
| 1. Rental Rental of Activity Center for Town Hall Meeting 10/17 | \$200.00 |
| 2. Rental Reservation for Activity Center for 2nd Tuesday Council Meetings October 2022-March 2023 | 6 units x \$200.00 \$1,200.00 |
| Sales tax | \$0.00 |
| Total | \$1,400.00 |

CONSENT
ITEM #3

CFO to GO Program

The Texas Water Development Board's CFO to GO program provides tangible benefits to participating organizations, including the following:

- **Reduces risk of loss from fraud, waste, and abuse.**
No one can eliminate this risk entirely, but reasonable measures can be taken to lower the risk of loss by establishing a solid system of internal controls and best practices for financial management. Smaller organizations are often more at risk than larger organizations.
- **Helps demonstrate good governance by a board of directors.**
Boards of directors have a fiduciary responsibility to their stakeholders. Evaluating internal controls and reviewing processes, as well as financial performance, are essential parts of good governance.
- **Documents and preserves knowledge of key procedures, processes, and accounts.**
Over time, all organizations struggle with maintaining processes, for example, due to staff turnover. Generally, the best-managed organizations create reasonable and appropriate documentation that can be maintained over a long period of time to provide consistency and support good management.
- **Assures customers and other stakeholders that the organization follows sound management practices.**
Efficient and effective management can reduce the risk of financial loss. Unexpected losses often create a need for rate increases to offset costs. Reputations can and should be protected.
- **Strengthens internal controls.**
Processes are reviewed and updated as needed to produce stronger financial controls and protect organizational assets. Losses, if incurred, can detrimentally and unexpectedly affect the ability to repay obligations.
- **Provides best-in-class expertise.**
The CPA firms we use are among the best in Texas and have specialized knowledge, skills, and abilities gained from their experience across a range of governmental entities. Their expertise can be tapped to benefit CFO to GO participants and reduce risk of loss.
- **Offers participation at no cost to entities.**
All out-of-pockets costs are paid by the Texas Water Development Board.

**MEMORANDUM OF AGREEMENT
BETWEEN
THE TEXAS WATER DEVELOPMENT BOARD AND
THE CITY OF BLANCO**

SECTION 1. PARTIES

This Memorandum of Agreement (Agreement) is between the Texas Water Development Board (TWDB) and the City of Blanco (City).

SECTION 2. RECITALS

Whereas, the City is a recipient of financial funding from TWDB; and

Whereas, the City has been selected for and has agreed to participate in the TWDB CFO to GO program (the Program); and

Whereas, TWDB has, through TWDB Contract No. xxxxxxxx, contracted with Contractor Name (Contractor) to work with the City on the Program; and

Whereas, as a condition of this agreement, the City will commit in-kind services to assist Contractor in successful completion of the Program.

Now, therefore, TWDB and the City agree as follows:

SECTION 3. PERFORMANCE

TWDB Responsibilities

TWDB will provide:

1. Fee-free access to the services of Contractor. The services are intended to assist the City's management and governance to identify opportunities to strengthen business processes and internal controls, providing documentation of best practices.
2. The Program will be conducted in two phases:
 - a. Phase I consists of on-site interviews with key individuals on the City's staff. This phase also includes a high-level assessment of recent financial statement reviews by the City's independent auditors and by the Financial Compliance Department of TWDB. The purpose of this phase is to obtain a snapshot of existing financial operations and reporting conditions and to identify potential opportunities for enhancements.
 - b. Phase II involves Contractor discussing the Phase I findings with the City and TWDB, and design of agreed upon enhancements to The City's processes and procedures, including preservation of key processes through preparing documentation.

The City will provide:

1. A commitment of staff time and resources to assist in successful completion of the Program, including responding to Contractor and TWDB emails or phone calls within the same business week and providing access to requested databases or documents within a reasonable amount of time, not to exceed 5 business days.
2. The City agrees and acknowledges that its inability to provide timely responses and/or resources may result in cancellation of The City's participation in the Program.

SECTION 4. TERM AND TERMINATION

This agreement is effective when executed by the parties and terminates upon successful completion of the Program or cancellation as described in Section 3 above.

Agreed:

TEXAS WATER DEVELOPMENT BOARD

THE CITY OF BLANCO

Signature: _____

Signature: _____

Name: Rebecca Trevino

Name: _____

Title: Chief Financial Officer

Title: _____

Date: _____

Date: _____

CONSENT
ITEM #4

Application Filing and Authorized Representative Resolution

A RESOLUTION by the City Council of the City of Blanco, Texas requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making certain findings in connection therewith.

BE IT RESOLVED BY THE City Council OF THE City of Blanco, Texas :

SECTION 1: That an application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not to exceed \$ \$ 3,558,738 to provide for the costs of City of Blanco Water System Improvements.

SECTION 2: That Warren Escovy, Blanco City Administrator be and is hereby designated the authorized representative of the City of Blanco, Texas for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Texas Water Development Board.

SECTION 3: That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City of Blanco, Texas before any hearing held by the Texas Water Development Board on such application, to wit:

Financial Advisor: Craig R. Cunningham
D.A. Davidson & Co.

Engineer: William B. Moriarty P.E.
Moriarty & Assoc. LLC.

Bond Counsel: _____

PASSED AND APPROVED, this the _____ day of _____, 20_____.

ATTEST: _____

By: _____

(Seal)

CONSENT
ITEM #5

Application Resolution - Certificate of Secretary

THE STATE OF TEXAS §
COUNTY OF Blanco §
APPLICANT City of Blanco §

I, the undersigned, Secretary of the City of Blanco Texas,
DO HEREBY CERTIFY as follows:

1. That on the _____ day of _____, 20____, a regular/special meeting of the _____ was held; the duly constituted members of the _____ being as follows:

_____ all of whom were present at the meeting, except the following:

_____ Among other business considered at the meeting, the attached resolution entitled:

"A RESOLUTION by the City Council of the City of Blanco requesting financial participation from the Texas Water Development Board; authorizing the filing of an application for financial participation; and making certain findings in connection therewith."

was introduced and submitted to the Blanco City Council for passage and adoption. After presentation and consideration of the resolution, and upon a motion made by _____ and seconded by _____, the resolution was passed and adopted by the _____ by the following vote:

_____ voted "For" _____ voted "Against" _____ abstained

all as shown in the official minutes of the _____ for this meeting.

2. That the attached resolution is a true and correct copy of the original on file in the official records of the City of Blanco; the qualified and acting members of the Blanco City Council on the date of this meeting are those persons shown above and, according to the records of my office, advance notice of the time, place, and purpose of meeting was given to each member of the Blanco City Council; and that the meeting, and the deliberations of the public business described above, was open to the public and written notice of the meeting, including the subject of the resolution described above, was posted and given in advance of the meeting in compliance with the provisions of Chapter 551 of the Texas Government Code.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the _____, this the _____ day of _____, 20____.

Secretary

(SEAL)

OLD BUSINESS

ITEM #1



City of Blanco

P.O. Box 750 Blanco, Texas 78606
Office 830-833-4525 Fax 830-833-4121

STAFF REPORT:
9/13/22

DESCRIPTION: Discussion on the rules and enforcement of Chapter 7 of the Health and Sanitation Ordinance and Chapter 3 of the Animal Control Ordinance.

ANALYSIS:

Chapter 7 of the health code 7.03.008 (a) Growth restrictions states that uncultivated grass, weeds, or brush to grow to a height no greater than 12 inches. Growth greater than 12 inches can allow for trash, bugs, and other undesirable effects to exist on said property. The City's Community Compliance officer has sent courtesy letters, door hangers, or have spoken to residents. The officer/and or administration can provide an exemption to the property owner if there is a purpose for growth/grass over the allowed amount (such as wildflowers, growing hay, etc).

There are two options (that I know of) that the council should consider:

1. Enforce the violation using a "complaint based" process where enforcement is primarily done when a complaint (anonymous or not) is lodged. We are working on a complaint system on the City's website that will allow for anonymity. The maximum height of the growth will stay the same with only the enforcement being affected.
2. Council to support real compliance of the law but to loosen the restrictions on the code.
 - A. Look at changing the height restriction from 12 inches to 18 or 24 inches on all property or
 - B. changing the restriction on all single family property (to 18 or 24 inches) but still enforcing the 12 inches on vacant lots and commercial properties.

Chapter 3 of the Animal Control Ordinance requires the constraint or fencing in of livestock. The Community Compliance officer has found a few locations where chickens have been found outside their fences. Chickens and Roosters can create a health hazard if outside a fenced area which is why their required to be in some type of constrained are or coup. Poultry can be targets for being run over by cars and can be prey for other animals. The City should try to protect neighborhoods and values by providing safe and clean areas for its residents.

FISCAL IMPACT: Unknown at this time



RECOMMENDATION: There are more violations of tall grass and uncultivated growth in Blanco than there are of chickens or roosters running around unconstrained and therefore Administration has a different approach for each issue. Staff prefers to enforce the rules that have been approved by City Council. This agenda item was added to give Council and residents an opportunity to voice their concerns and suggestions.

Staff recommendation

1. Recommendation for Chapter 7 of Health and Sanitation (growth) is to change the restriction in Single family occupied homes from 12 inches to (18 or 24 inches) but to require 12 inches on vacant lots and commercial properties.
2. Recommendation for Chapter 3 of the Animal Code would be to move to a Complaint based enforcement primarily as this issue is not very widespread.

Sec. 7.03.006 Burning trash

It shall be unlawful for any person to burn any non-vegetative matter at any time within the incorporated city limits. The burning of brush, leaves, and yard trimmings is permitted provided said burning does not cause a health and safety hazard or nuisance to surrounding property owners and/or tenants. (Ordinance 368, sec. 2, adopted 5/12/09)

Sec. 7.03.007 Depositing or dumping trash, vegetation or unsanitary matter

(a) It shall be unlawful for any person to dump, place, deposit, throw, or otherwise dispose of any trash of any kind on public or private property. A violation of this section shall constitute a trespass on said property when committed against or upon any public property or property owned or occupied by another person. Violations of this section shall include but are not limited to the following:

- (1) Vegetation and trimmings. The throwing, placing, dumping, or depositing of any lawn trimmings, hedge trimmings, or other cuttings or trimmings of weeds, flowers, or other vegetation on or in any gutter, street, sidewalk, parkway, driveway, curb, alley, or any other public property of the city, or in or on any lot, vacant or occupied, driveway or other private property.
- (2) Trash. The throwing, placing, dumping or depositing of any garbage or refuse of any kind on or in any gutter, street, sidewalk, parkway, driveway, curb, alley, or any other public property of the city, or on any private lot, vacant or occupied, other private property.
- (3) Unsanitary matter. The throwing, placing, dumping, or depositing of any animal, vegetable or mineral matter or any composition or residue thereof which is in an unsanitary condition or injurious to public health on or in any gutter, street, sidewalk, parkway, driveway, curb, alley or any other public property of the city, or on or in any lot, vacant or occupied, driveway or other private property.

(b) Trash that has been properly disposed of in accordance with the garbage collection provisions of this code shall be exempt from this section.

(Ordinance 368, sec. 2, adopted 5/12/09)

State law reference—Illegal dumping, V.T.C.A., Health and Safety Code, sec. 365.012.

Sec. 7.03.008 Maximum height of weeds and other vegetation

(a) Growth restrictions.

- (1) It shall be unlawful for any person to allow any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, to allow uncultivated grass, weeds, or brush to grow to a height greater than 12 inches on any lot, tract, or parcel of land, or portion thereof.
- (2) It shall be unlawful for any person to allow any lot, tract, parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, to permit grass, weeds, or any plant to grow in, upon or across the sidewalk or street adjacent to the lot or

property in the area. Cultivated vegetation may be adjacent to the sidewalk when not in violation of other city ordinances. Weeds and vegetation, cultivated or uncultivated, may not be allowed to grow along sidewalks or streets in a manner that obstructs the lines of sight for motorists or pedestrians or that hinders municipal use of the public rights-of-way.

(b) Affirmative defenses. The following shall be affirmative defenses to any charge of permitting grass, weeds or brush to grow in violation of subsection (a) only of this section:

- (1) The grass, weeds, or brush is/are located on land that is actively being used as a pasture for grazing livestock.
- (2) The grass, weeds, or brush is/are located on land that is being used as a garden or is currently being cultivated for agricultural purposes.
- (3) The grass, weeds or brush is/are located on public property owned by the State of Texas, or any of its subdivisions, and such governmental entity has determined that it is in the public interest that such property should remain in its natural, undisturbed condition and the vegetation on such property is in its native biome and the condition of such property does not present a danger or hazard to adjacent properties.
- (4) The code enforcement officer has determined that there is just cause to permit grass, weeds, or brush to grow to a height greater than twelve inches (12") on a lot, tract, or parcel of land. Just cause shall exist if one or more of the following factors apply to the lot, tract or parcel of land in question:
 - (A) The topography of the land makes compliance with the subsection (a) of this section impractical;
 - (B) The density of the brush makes compliance with subsection (a) of this section impractical or impossible;
 - (C) Some act of the city makes compliance with subsection (a) of this section impractical or impossible; and the land does not otherwise present a danger or hazard to adjacent properties.

(Ordinance 368, sec. 2, adopted 5/12/09)

Sec. 7.03.009 Accumulation of trash

It shall be unlawful for any person to permit any trash to accumulate upon any such lot, tract, or parcel of land. (Ordinance 368, sec. 2, adopted 5/12/09)

Sec. 7.03.010 Unsanitary conditions

It shall be unlawful for any person to permit any of the following unsanitary conditions to exist on, or emanate from, any such lot, tract, or parcel of land:

- (1) Stagnant water or any collection of water that may allow the breeding of insects, exposed animal carcasses, or any other open drain, sewer, or cesspool;

Sec. 3.01.008 Dogs running at large

(a) Prohibition. No owner of any dog shall cause or permit such dog to be or run at large upon any public place or any private property other than that of such owner except with the prior consent of the person in charge of such private property unless such dog is securely restrained by a substantial leash not to exceed six (6) feet in length and is under the charge and control of a person competent to keep such dog under effective charge and control.

(b) Exceptions. Nothing in this section shall prevent a dog from being used without a leash:

- (1) To hunt wild birds or game or to herd, guard, gather, or otherwise work domestic animals or fowl; or
- (2) For obedience training or exercise in or upon a public place so long as such dog does not wrongfully harm or damage or threaten to harm or damage any person on public or private property.

(c) Confinement of female dogs in heat. The owner of any female dog shall keep such dog confined in a secure enclosure during the time that such dog is in heat to prevent the attraction of other dogs.

(Ordinance 2014-396A, sec. 8, adopted 10/14/14)

State law reference—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.

ARTICLE 3.02 LIVESTOCK**Sec. 3.02.001 Definitions**

License, unless the context requires otherwise, shall be synonymous with a permit issued under this article.

Livestock includes horses, cattle, goats, sheep, roosters and chickens and any other animals excluding dogs, cats, fish, rabbits and household pets ordinarily confined within a home.

Person means any firm, company, partnership, corporation, association, club, society or other organization.

(Ordinance 393, sec. 2, adopted 5/8/12)

Sec. 3.02.002 Penalty

Any person, firm or corporation violating any provisions of this article or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 and each and every day or fraction of a day during which this article, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such. For second and additional offenses, the fine shall not be more than \$2000.00. (Ordinance 393, sec. 6, adopted 5/8/12)

Sec. 3.02.003 Loose livestock

It shall be unlawful for any person who owns or controls any livestock to permit or allow such livestock to be loose and unrestrained outside such person's residence (including the yard of the residence) or fenced property owned by a person. "Loose" shall mean without restraints such as a halter, reins, leash or other restraint preventing such livestock to wander. (Ordinance 393, sec. 3, adopted 5/8/12)

State law references—Animals at large, V.T.C.A., Local Government Code, sec. 215.026; impoundment of estrays, V.T.C.A., Agriculture Code, sec. 142.009.

Sec. 3.02.004 Permit

(a) Every person who owns or controls livestock within the city limits shall file with the city secretary an application in writing on a form to be furnished by the city, which shall provide the following information:

- (1) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of creation or incorporation as applicable, or other legally recognized form of identification; photo identification required.
- (2) A brief description of the livestock owned or controlled within the city.

(b) There shall be an application fee in the amount set forth in the fee schedule in appendix A of this code for each applicant, to cover the cost of processing the application.

(c) The city secretary will issue a permit upon approval of an application and payment. A copy will be issued to the chief of police along with documentation.

(d) The permit will be issued for a time frame of one year and must be displayed upon demand by any peace officer or city employee responsible for enforcement of this article. The applicant must report any material changes to the city secretary within the [a] one-month time frame.

(Ordinance 393, sec. 4, adopted 5/8/12; Ordinance adopting Code)

Sec. 3.02.005 Exemptions

The permitting requirements and the requirements related to identification of this article shall not apply to any person who is a veterinarian practicing at a location within the city. (Ordinance 393, sec. 5, adopted 5/8/12)