

**STAFF**  
**CITY HALL**

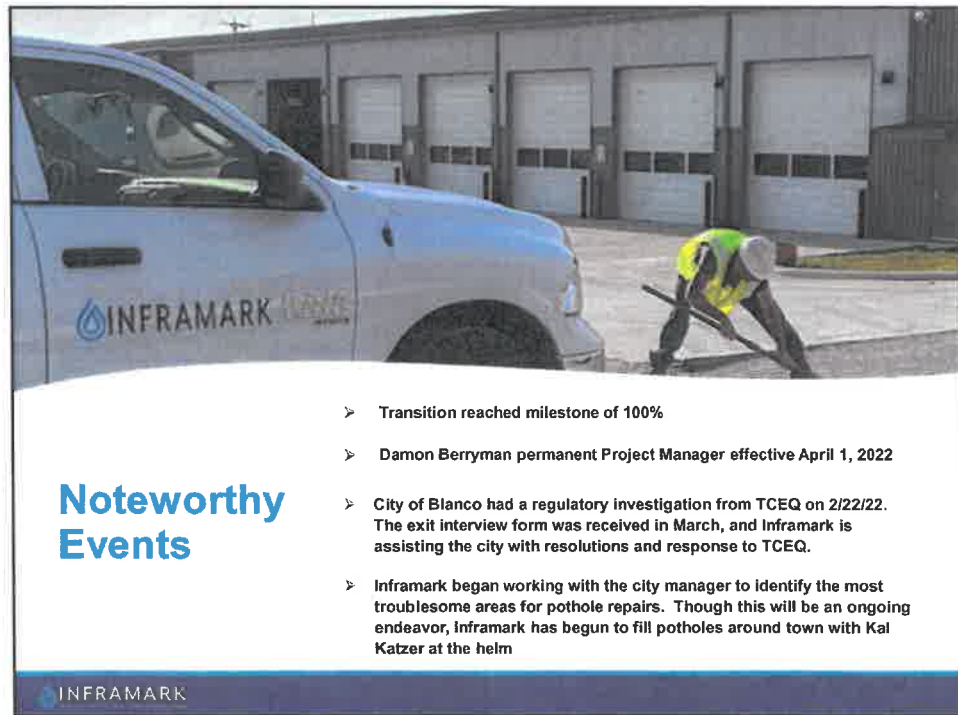
**STAFF  
POLICE  
DEPARTMENT**



**INFRAMARK**



1



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## Noteworthy Events (cont.)

- ❖ Inframark is partnering with the CIAMAC committee to track the repairs and replacement of any water and wastewater mains. We are hoping this data tracking will provide the city insight on their infrastructure, and areas most critical for replacement.
- ❖ Inframark is working with a hay farmer to plow and replant the irrigation fields. The farmer has brought in an expert and is planting a hybrid hay that will absorb water quickly. We look to have this completed in May, possibly allowing for better land application of the effluent.



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## Critical Issues

Facility	Status / Requests	Impact	Est. Cost	Date Listed
Pittsburg Lift Station	Pump #1 out of service. Installed new pump early April, pump failed again. Working with electricians to resolve issue	Compliance Unauthorized Discharge	\$5,000	3/1/2022
Main Lift Station	Pumps 3 & 4 run, but not pumping. Investigating pump curves, and other possibilities as to why not transferring to WWTP	Compliance Unauthorized Discharge	\$10,000	4/15/2022

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## Wastewater Operations

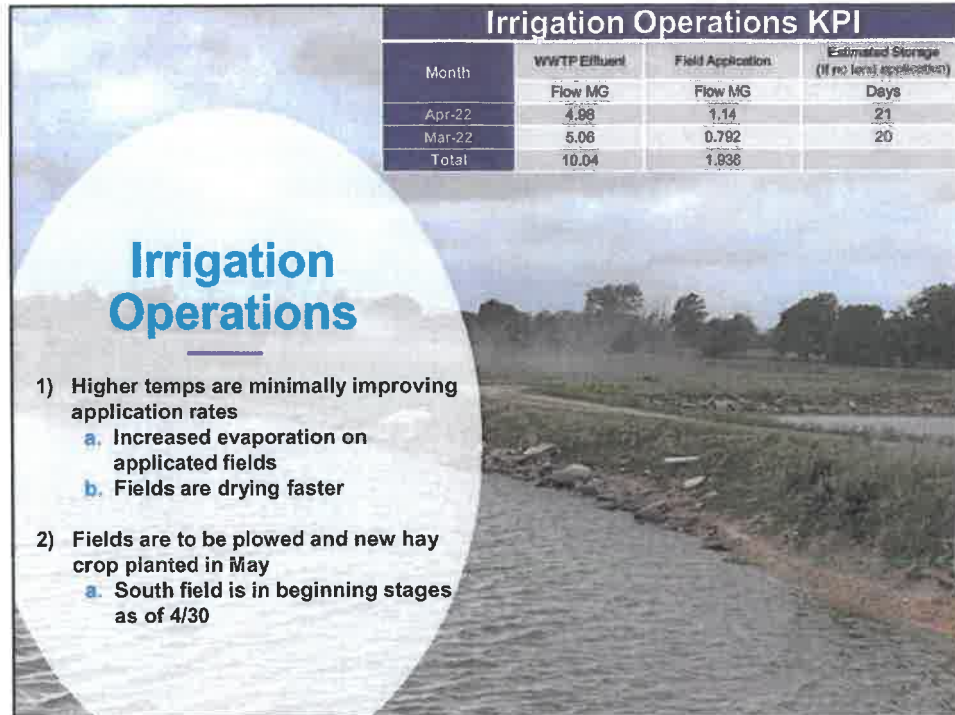
- ✓ WWTP is currently discharging to outfall 002 (irrigation fields)
- ✓ Will begin more frequent testing in May to build better trends
- ✓ Investigated Real Ale Brewery, no suspicion of loading issues from their effluent

*Looking into other industries that could be contributing to heavy BOD loadings*

Monthly Operations KPI										
Month	BOD			TSS		NH <sub>3</sub> -N		Phosphorous		
	Influent (mg/L)	Effluent (mg/L)	Removal %	Influent (mg/L)	Effluent (mg/L)	Influent (mg/L)	Effluent (mg/L)	Influent (mg/L)	Effluent (mg/L)	Removal %
Apr-22	319.0	3.0	99%	106.0	3.0	50.5	0.1	Unknown	7.3	
Mar-22	174.0	6.0	97%	316.0	8.0	37.6	0.1	14.5	5.02	65%
Maximum	319.0	6.0	99%	316.0	8.0	50.5	0.1	14.5	7.3	65%
Average	246.5	4.5	98%	211.0	5.5	44.1	0.1	14.5	6.2	65%

## Water Operations

- Estimated completion August 2022



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## Collection and Distribution

- CMMS has been established and is live. Working with HR Green, CIAMAC committee, and Inframark's internal team to help create a tracking process for leaks, taps, and sewer blockages.
- Water main leak in Cielo Springs was repaired but will need further road repair. Working with contractors to have this repaired to quality standards.
- Lazy Creek sewer line is in rear easement and has been having ongoing issues. Working with contractors to obtain quotes to replace appx. 240' of sewer line.
- All past due taps are complete and continue to improve tap procedure.
- Palomino water line continues to show high usage, even though several leaks have been found and repaired. Will continue working diligently in looking for leaks and repairing

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## Maintenance and Repairs

### Out-of-Service Equipment

Equipment Description	Facility	Date out	Est. Date in	Impact	Comments
Pump #1	Pittsburg LS	2/01/2022	3/15/2022	Compliance SSO	New pump has been ordered. Waiting on delivery.
Pump # 3	Main Lift Station	2/15/2022	06/15/2022	Compliance SSO	Working with Precision Pumps to determine if pumps are correct size.
Pump # 4	Main Lift Station	2/15/2022	06/15/2022	Compliance SSO	Working with Precision Pumps to determine if pumps are correct size.

## Health and Safety

- No recordable incidents for April 2022
- Heat illness and dehydration warnings covered for April 2022

## PURE PARTNERSHIP

# City of Blanco, TX

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**April 2022 Monthly Report**

**05/20/2022**



Figure 1

# PAUSE

## Before Each Task

- P**ause all physical activity
- A**ssess and identify all possible hazards
- U**nderstand the cause and effect of the hazards
- S**hare findings of the hazards
- E**xecute after all safety measures have been taken



05/20/2022

Warren Escovy  
300 Pecan St.  
Blanco, TX 78606

Re: Letter of Transmittal – April 2022 Monthly Client Operations Report

Dear Mr. Escovy,

Please find attached the Monthly Client Report for April 2022. This report provides a representation of the overall operations, financials, and maintenance for the month reported.

If you have questions or comments, please feel free to call 580-216-4395

Sincerely,

A handwritten signature in black ink, appearing to read "Damon Berryman".

Damon Berryman  
Project Manager  
Damon.Berryman@inframark.com

Ryan Quigley  
Regional Manager  
832-244-1750  
Ryan.Quigley@inframark.com

## Summary

Inframark's transition reached 100% in April with Damon Berryman filling the role as Project Manager. Damon comes with 25 years of experience in the public works industry and looks forward to continuing his learning and growth with the City of Blanco.

Inframark has been working diligently on past work orders, including taps and leaks. All past due taps were completed in April and continue to work on improving the process.

## Noteworthy Events

Pittsburg lift station pump #1 is out-of-service. The new pump was reinstalled, but electrical issues still pursue. Inframark is working with electricians to investigate and solve the electrical issues.

City of Blanco had a regulatory investigation from TCEQ on 2/22/22. The exit interview form was received in March, and Inframark is assisting the city with resolutions and response to TCEQ.

Inframark began working with the city manager to identify the most troublesome areas for pothole repairs. Though this will be an ongoing endeavor, Inframark has begun to fill potholes around town with Kal Katzer at the helm (See Figure 1)

Inframark is working with a hay farmer to plow and replant the irrigation fields. The farmer has brought in an expert and is planting a hybrid hay that will absorb water quickly. We look to have this completed in May, possibly allowing for better land application of the effluent.

Inframark is working with the CIAMAC committee to track the repairs and replacement of any water and wastewater mains. We are hoping this data tracking will provide the city insight on their infrastructure, and areas most critical for replacement.

The Disc filters at the WWTP were removed, cleaned, and put back into service. This appears to have fixed the issue of the backwash not working.

## Daily Operations Meeting Schedule

City of Blanco – 455 Jones Ave

City Yard at 8:00 am

We would like to welcome the city manager, city staff or council members to attend this meeting at their leisure. We discuss plant operations, health & safety, maintenance requirements, as well as discuss opportunities for operational efficiency improvements. We also train and refresh on local processes and procedures.

## Critical Issues

Please review the following for all items that could have a critical impact on operations:

Facility	Status / Requests	Impact	Est. Cost	Date Listed
Pittsburg Lift Station	Pump #1 out of service. Installed new pump early April, pump failed again. Working with electricians to resolve issue	Compliance Unauthorized Discharge	\$5,000	3/1/2022
Main Lift Station	Pumps 3 & 4 run, but not pumping. Investigating pump curves, and other possibilities as to why not transferring to WWTP	Compliance Unauthorized Discharge	\$10,000	4/15/2022

## Wastewater Operations

- 1) WWTP is currently discharging to outfall 002 (irrigation fields)
- 2) Will begin more frequent testing in May to build better trends
- 3) Investigated Real Ale Brewery, no suspicion of loading issues from their effluent
- 4) Looking into other industries that could be contributing to heavy BOD loadings

Monthly Operations KPI										
Month	BOD			TSS		NH3-N		Phosphorous		
	Influent	Effluent	Removal	Influent	Effluent	Influent	Effluent	Influent	Effluent	Removal
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Average	246.5	4.5	98%	211.0	5.5	44.1	0.1	14.5	6.2	65%

## Water Operations

- 1) Construction plans to be completed August 2022

## Irrigation Operations

- 1) Higher temps are minimally improving application rates
  - a. Increased evaporation on applicated fields
  - b. Fields are drying faster
- 2) Fields are to be plowed and new hay crop planted in May
  - a. South field is in beginning stages as of 4/30

<b>Irrigation Operations KPI</b>			
<b>Month</b>	<b>WWTP Effluent</b>	<b>Field Application</b>	<b>Estimated Storage (If no land application)</b>
	<b>Flow MG</b>	<b>Flow MG</b>	<b>Days</b>
Apr-22	4.98	1.14	21
Mar-22	5.06	0.792	20
<b>Total</b>	10.04	1.936	

## Collection and Distribution

- 1) CMMS has been established and is live. Working with HR Green, CIAMAC committee and Inframark's internal team to help create a tracking process for leaks, taps, and sewer blockages.
- 2) Water main leak in Cielo Springs was repaired but will need further road repair. Working with contractors to have this repaired to quality standards.
- 3) Lazy Creek sewer line is in rear easement and has been having ongoing issues. Working with contractors to obtain quotes to replace appx. 240' of sewer line.
- 4) All past due taps are complete, and continue to improve tap procedures
- 5) Palomino water line continues to show high usage, even though several leaks have been found and repaired. Will continue working diligently in looking for leaks and repairing

# Maintenance & Repair

## Out-of-Service Equipment

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Pump # 3	Main Lift Station	2/15/2022	06/15/2022	Compliance SSO	Working with Precision Pumps to determine if pumps are correct size.
Pump # 4	Main Lift Station	2/15/2022	06/15/2022	Compliance SSO	Working with Precision Pumps to determine if pumps are correct size.

## Financial Update

- 1) MTD actuals are high, but we are still on budget for YTD actual
  - a. This was due to costs from March carrying over to April

### Operations and Maintenance/Repair Expenses as of April 2022

Cap Type	Monthly Budget	MTD Actual	Yearly Budget	YTD Actual	YTD +/-	Contract Months Past	% of Contract Year	% YTD Spent
Maintenance, Lab, and Repairs	\$ 17,666	\$ 27,671	\$ 212,000	\$ 30,317	\$ 5,016	2	16%	14%

## Health & Safety

- No recordable incidents for April 2022
- Heat illness and dehydration warnings covered for April 2022

## Personnel

- Inframark continues to invest in its personnel to ensure [Pure Partnership](#)
- Damon Berryman mentioned as permanent Project Manager

## Looking Ahead

- Discuss with City possible plans to upgrade meters to AMR/AMI to help reduce water loss
- Discuss plans for Annual trash-off 2023 to help mitigate risks, and better serve community
- Lavender Fest 2022
  - City's goals and expectations leading up
  - What is expected weekend of? (Amount of people, workload, staffing, etc.)



**CONSENT**  
**ITEM #1**

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

**Meeting Minutes  
May 10, 2022, 6:00 pm**

A regular meeting and Public Hearing of the City Council, City of Blanco, Texas was held on May 10, 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 Saucedo, Council Members Smith, McClellan, Barron, and Divine.

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

Mayor Lumpee made the following announcements: Lights Out Texas is going on through June 15, citizens are encouraged to turn off all non-essential outdoor lights from 11 pm to 6 am. This helps protect the billions of migratory birds that fly over Texas annually; lunar eclipse happening this Sunday evening; Real Ale Brewing Company will have their 26<sup>th</sup> anniversary party on May 21 from 12-6 pm; Texas Hotel and Lodging Association will be hosting a HOT (hotel occupancy tax) training this Thursday, May 12 at 2 pm at the Old Blanco County Courthouse; Thank you to Martin Saucedo, Mayor Pro-Tem for his outstanding contribution and dedication to this City these past 13 years while serving on City Council; City Council has decided to donate their May stipends for a scholarship for one high school senior. The total amount will be \$600.00. The student will be chosen randomly from all students in the top 15% of the graduating class.

**Public Comments:**

- Wayne Gosnell, Blanco resident spoke in favor of the short term rental ordinance. This is a way to get a handle on the issue of shortage of affordable housing.
- Sybil Jones, Business Manager for 42 on 32 RV Park and Linderman Lane, spoke about the valuable usage of water, RV Park has 114 connections, they are not allowing washing of vehicles, they are monitoring water usage closely so there is no water being wasted. Swimming pool and splash pad are coming soon (not using City water for these areas) water will be trucked in by Owner. Valuable revenue for the City. Many tourists coming from Houston/Dallas area. Council Member Smith asked where water will be coming from, and the reply was Canyon Lake Water Supply Company will be providing the water.

**PROCLAMATIONS:**

Mayor Lumpee read the following Proclamations:

1. Older Americans' Month Proclamation
2. Flag Day and Week Proclamation

**PRESENTATIONS:**

1. Wayne Gosnell, President of Blanco County Friends of the Night Sky spoke and thanked City Council and the Chamber of Commerce for their support over the past several years. The City was named as an International Dark Sky Community and was notified of the award on April 26. Only 37 communities through out the world have earned this prestigious distinction. As of January, there have only been 95 designated IDA Dark Sky Places worldwide.
2. Mayor Lumpee announced that City Council will be donating their May stipend (\$600 total) toward one High School Scholarship. There will be a drawing from the top 15% of all high school seniors.

**STAFF PRESENTATIONS:**

- City Hall, Warren Escovy introduced Rosie Vela, our Interim Finance Director. He spoke regarding pothole repairs being completed last week by Inframark and said the next step is to review street conditions completed by CIAMAC for future repairs, currently completing a 5 year plan. Focusing on code enforcement, looking to hire part time person and focused on quality of life ordinances, short-term rental ordinance and water quality ordinance.
- Police Department, Chief Rubin presented the April 2022 Monthly Statistics Report and announced that Detective McMain had received a scholarship.

Closed regular meeting and opened Public Hearing at 6:33 pm.

**Approval of Ordinance Regulating Short Term Rentals and Imposing a Related Permit Fee and Penalties (including a fine) for Noncompliance.**

- Robert Boydston, resident at 314 2<sup>nd</sup> Street, spoke in support of passage of the STR Ordinance. Blanco needs to protect against too many residential properties being held for short term rental usage.
- Brandon Carlson read a letter from the Blanco Chamber of Commerce, Board of Directors. They are in agreement that our community needs registration and regulations on short-term rentals and agrees steps need to be taken to help manage STR's. They disagree with the way the current ordinance draft is being rushed through.
- Neil Neyens, resident at 1022 Oakridge Dr. spoke regarding STR ordinance and said RV rentals bring noise, trash and parties. Visitors also bring their own food. The persons who benefit the most are the property owners.

- Jett Sophia, 622 8<sup>th</sup> Street spoke regarding the STR Ordinance. She said in 2004 could not see the milky way, thank you Wayne Gosnell. Blanco was not a tourist town, the State Park offered customers special to entice them to come and stay at the park. She is passionate about the STR ordinance. Need more homes for residents, full time workers need a neighborhood with permanent residents. Owners should live in Blanco, need to enhance, or put moratorium.
- Pi Stone, 319 1<sup>st</sup> Street, owner of STR, said she was married at the courthouse, customers have never broken anything, they eat at the pizza place, walk on the streets, paying taxes without benefits, bulldoze the house and lower the taxes, income for the owner.
- Susan Villarreal, 627 Academy, thanked Council for work on STR ordinance. Appreciates the owners and residents, wants good of City and all residents.
- Amy Arnold, 818 Pecan, STR business owner, keeps track of guests with sign in/ guest book, including list of area(s) visited, park, restaurants, pay hot tax revenue, losing permit if not rented for 9 month period due to being off market for repairs/improvements, is problematic, ordinance needs further review.
- Pam Nabors, 1317 River Road, STR business owner, concerned about proposed ordinance, has positive response from guests, does not feel ordinance is needed. Does not have any problems with guests, on non-compliance or otherwise.
- Bonnie Triesch, 910 RR 165, STR owner, lives at residence on three acres with rental. Short-term rentals are being stereotyped; ordinance needs to be reviewed further.
- Teresa Siedel, Trainer Street, born and raised in Blanco, owner of short-term rental said ordinances needs further review, listing through Air BNB, follows strict rules, penalized if you do not follow the rules.

#### **1917 Main Street – Special Use Permit & Rezoning from R-5 to C-1.**

- Dennis Moore, business owner of Buggy Barn Museum spoke regarding property at 1917 Main Street, he said he is personal against re-zoning property next door.
- Larry Brewer, property owner at 1917 Main Street spoke and said past 21 years has tried to develop something needed by the community, renovated home, used as washroom, after renovation, open up as RV Park. Desired to put in car wash, could not get easement to tie into services. Met with new City Administrator, to receive assistance, storage building, mini storage, was re-zoned C1 to R5. Wants heated and cooled mini storage. Nice for community.

#### **618 Live Oak- Special Use Permit to Allow Multi-Family in the R-5 for the 1-Acre Site.**

#### **1725 S. Hwy 281- Second Echo, LLC, Variance for 10' Side Building Set Back.**

#### **1215 4<sup>th</sup> Street – Blanco High School – 10 Ft. Fence Variance.**

Closed Public Hearing at 7:04 pm.

**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 April 12, 2022, Regular City Council Meeting and Public Hearing.
2. Approval of Minutes from the April 28, 2022, Special City Council Meeting.
3. Approval of Ordinance 2022-O-004 General Election Canvassing the Returns and Declaring the Official Results of the May 7, 2022, General Election to Elect Three (3) City Council Members.
4. Approval of Budget Amendment to FY 2021-2022 Total Reduction in Revenues to the Water Fund in the Amount of \$521,670.
5. Approval of Budget Amendment to FY 2021-2022 Total Increase to Revenues and Expenditures to the Water Fund in the Amount of \$3,300,319.
6. Approval of Budget Amendment to FY 2021-2022 Reduction in Taxes for the General Fund in the amount of \$454,402; Increase in Taxes for the Debt Service Fund in the amount of \$454,402.

**A motion was made by Council Member Smith to approve Consent Agenda Items one through six, with the following corrections: Item one, correct minutes to show public comments from Linda Sullivan, Joe Sullivan and Mike Arnold as property owners, not residents and to items four, five and six to refer to fiscal year 2021-2022, seconded by Council Member Barron, motion carried 4-1 with Mayor Pro-Tem Saucedo opposed.**

**Oath of Office Administered by Laurie Cassidy, City Secretary to Newly Elected Council Members Mike Smith, Deda Divine, and Rodney Thrailkill.**

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

1. Consideration, Discussion, and Take Action on a Development Agreement Between 42 on 32 RV Park, LLC and the City of Blanco, Texas (Warren Escovy). Mr. Escovy spoke of the history leading up to the development agreement. First, operating a public water system and distributing water to residents of the RV park and secondly only paying for one connection. Council Member Smith expressed the desire to be consistent with what we are charging to other RV Parks. Other Park is at Rate Code 7, \$77.25 service charge. Tap fee is not the same as a connection fee. Both RV Parks are outside the City limits but inside the ETJ. **A motion was made by Council Member Smith to enter into Development Agreement, prepared by City Staff, between 42 on 32 RV Park and the City of Blanco, with the understanding the fee structure will be applied to all other outside city limits RV Parks, seconded by Council Member Barron, all in favor, motion carried unanimously.**

2. Discussion, Consideration, and Possible Action on Approval of Ordinance 2022-O-0xx Regulating Short Term Rentals and Imposing a Related Permit Fee and Penalties (including a fine) for Noncompliance (Warren Escovy, City Administrator). Council Member Barron asked Mayor Lumpee for a point of personal privilege and said the City has held three public hearings, no existing short-term rental will be shut down, trying to strike a balance to protect our neighborhoods. Zoning ordinance can be modified through a special use permit. Short Term Rental: what it is and what it is NOT. Will this ordinance put current short-term rentals out of business? No. There will be a 60-day moratorium on any new short-term rentals. Current short-term rentals should notify City and staff will then create a map. How will new permits be considered? Through an application for Special Use Permit. What operating standards will be required? Life safety inspection. Can a guest house on the property be permitted? Yes. Can I sell my short-term rental as a business? Yes, can transfer one time. May 10 changes reviewed. Page 4, added definition of short-term rental, owner occupied, Page 5, Special Use Permit requirements, distance, Food Service Item 1b, Page 6, Utilities, or the short-term rental is owner-occupied, Page 7, fee structure significantly revised, rationale for affordability, permit fee is a one-time cost; page 7c, revision eliminated need for decal, just display permit, Page 9m. Council Member Divine said the property Owner living on site is most encouraged and supported. Want to encourage balance of rentals and residences. Council Member Smith said he is in favor of Short Term Rentals and agrees it is needed **A motion was made by Council Member Barron to approve the May 10 Draft Short-Term Rental Ordinance, with provision amending Page 9n, flexibly of nine month period, seconded by Council Member Divine, motion carried 3-2 with Council Members McClellan and Smith opposed.**

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

1. Consideration, Discussion, and Take Action on Approval of Special Use Permit and Rezoning From R-5 to C-1 at 1917 Main St (Owner: Larry Brewer). Planning and Zoning Commission recommended disapproval of the Special Use Permit and Rezoning from R5 to C1. Council Member Thrailkill asked what previous zoning was. Council Member McClellan said the location is unique because it is next to Buggy Barn and movie studio. Would like to see something that might enhance the area. On Site 24/7 residence, wants to improve area, fence, gated, mini storage, clean and well maintained. Does not need wastewater storage. Third time to come before the City. Council Member Thrailkill asked who is responsible for extension of wastewater? Owner/Developer would take on that responsibility unless annexation agreement stated something different. Council Member Barron questioned this as a two part motion. **A motion** was made by Council Member Smith to follow Planning and Zoning Commission's recommendation of disapproval of the Special Use Permit and Rezoning, seconded by Council Member Thrailkill, motion failed 2-3 with Council Members Divine, McClellan, and Barron opposed. Mayor Lumpee asked Is there another motion? Council Member Smith said he attended the Planning and Zoning Commission meeting and the commissioners do not feel a mini storage would be appropriate for this area.

**A motion was made by Council Member Smith to follow Planning and Zoning Commission's recommendation to deny approval of the Special Use Permit and Rezoning of property, seconded by Council Member Thrailkill, all in favor, motion carried unanimously.**

2. Consideration, Discussion, and Take Action on Approval of Special Use Permit to Allow Multi-Family in the R-5 for the 1-Acre Site at 618 Live Oak (Owner: R L Toms, Inc.) **A motion was made by Council Member Barron to approve the Special Use Permit to allow multi-family at 618 Live Oak, seconded by Council Member Smith, all in favor, motion carried unanimously.**
3. Consideration, Discussion, and Take Action on Approval of Building Set Back at 1725 S. US Hwy. 281 (Owner: Second Echo, LLC). Second Echo, LLC is an art studio and meeting place that would like to have two containers 10' from the south of property line. **A motion was made by Council Member Smith to approve the variance to a 10' building set back instead of a 20' set back at 1725 S. US Hwy. 281, seconded by Council Member Barron, all in favor, motion carried unanimously.**
4. Consideration, Discussion, and Take Action on Approval of Variance to Allow For 10 Foot Fencing around Tennis Courts at Blanco High School (Owner: Blanco Independent School District). P&Z recommended approval. **A motion was made by Council Member McClellan to approve the variance to allow for 10' fencing around tennis courts at Blanco High School, seconded by Council Member Divine, all in favor, motion carried unanimously.**
5. Discussion, and Take Action on Approval of Mayor Pro-Tem. for the Term May 2022 through May 2024. Council Member Barron said she willing to serve as Mayor Pro-Tem if needed and she is close by to serve as signer on bank accounts. **A motion was made by Council Member Smith to nominate Council Member Barron, seconded by Council Member Divine, all in favor, motion carried unanimously.**
6. Consideration, Discussion, and Take Action on Approval of Amendment to Resolution 2021-R-009 Designating Persons Authorized to Sign on the City's Depository Accounts as the Official Signatories of the City of Blanco. **A motion was made by Council Member Smith to amend resolution 2021-R-009 to add Council Member Barron as Mayor Pro-Tem, seconded by Council Member Divine, all in favor, motion carried, unanimously.**
7. Consideration and Discussion Only (No Action to be Taken) on Approval of Water Quality Protection Ordinance. Barron: gives City stronger power over outside users. Site plan for MUD a few months ago. Statutory limitation of lot density. Can be regulated by water quality, will need to be vetted and whittled down. – **No Action Taken.**

Closed Regular Meeting at 8:42 pm and Convened Into Executive Session.

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

1. Texas Government Code Section 551.071 (Consultation with City Attorney), Section 1.05, Texas Disciplinary Rules of Professional Conduct and 551.072 (Real Estate): to wit, Discussion with legal counsel to obtain legal advice related to possible reclaimed water contract between City and Chamaco Mio Investments, LLC.
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), Section 1.05, Texas Disciplinary Rules of Professional Conduct: to wit, Discussion with legal counsel Water Rate Setting.
4. 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) desire to purchase a portion of City's interest undivided interest.

Closed Executive Session at 9:17 pm and Reconvened Into Regular Meeting.

**Item 1: No action taken**

**Item 2: No action taken**

**Item 3: No action taken**

**Item 4: no action taken**

**Adjournment:**

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

Meeting was adjourned at 9:17 pm.

Respectfully submitted,

\_\_\_\_\_  
Rachel Lumpee, Mayor

ATTEST:

\_\_\_\_\_  
Laurie A. Cassidy, City Secretary

These minutes were approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.



**CONSENT**  
**ITEM #2**

**CHANGE ORDER NO.: [007]**

Owner: City of Blanco  
 Engineer: Freeland Turk Engineering Group, LLC  
 Contractor: Associated Construction Partners, Ltd  
 Project: 1.0 MGD Water Treatment Plant Improvements  
 Contract Name:  
 Date Issued: 05-11-2022      Effective Date of Change Order: Date signed by Owner  
 Owner's Project No.: 62748  
 Engineer's Project No.: 100-100  
 Contractor's Project No.: ACP1309

The Contract is modified as follows upon execution of this Change Order:

Description:

**This change order includes labor and materials to remove the existing 6" Finished Water Valve and install a new 6" Finished Water Valve at the Ground Storage Tank. The existing valve is not functioning properly and could not be seated completely by the contractor. The FW valve is a critical valve and should be replaced.**

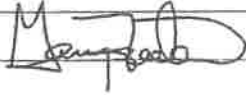
Attachments: Change Order

Change in Contract Price	Change in Contract Times	
Original Contract Price:	Original Contract Times:	PLANT      Generator
\$ 5,741,700.00	Substantial Completion:	360 DAYS      238 DAYS
	Ready for final payment:	450 DAYS      238 DAYS
Increase from previously approved Change Orders:	Increase from previously approved Change Orders:	
\$ 488,438.34	Substantial Completion:	187 DAYS      0 DAYS
	Ready for final payment:	187 DAYS      0 DAYS
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:	
\$ 6,230,138.24	Substantial Completion:	551 DAYS      0 DAYS
	Ready for final payment:	641 DAYS      0 DAYS
Increase this Change Order:	Increase this Change Order:	
\$ 3,009.10	Substantial Completion:	1 DAYS      238 DAYS
	Ready for final payment:	1 DAYS      238 DAYS
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:	
\$ 6,233,147.44	Substantial Completion:	552 DAYS*      238 DAYS*
	Ready for final payment:	642 DAYS      238 DAYS

\*WTP SC = July 10, 2022, Generator SC = December 7, 2022

Recommended by Engineer (if required)

Accepted by Contractor

By: Gary Freeland  
 Title: Principal   
 Date: 04/05/2022

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Authorized by Owner

Approved by Funding Agency (if applicable)

By: Rachel Lumper  
 Title: Mayor  
 Date: 05/12/2022

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



215 W. Bandera Rd. Ste. 114-461  
 Boerne, Texas 78006  
 mgr@acpartners.org  
 210.698.8714

### CHANGE ORDER COST SUMMARY

PROJECT NAME: Blanco 1.0 MGD WTP Improvements C.P. # 6  
 PROJECT NO: 1309  
 ENGINEER: Gary Freeland DATE: 5/11/2022

**DESCRIPTION OF CHANGE:**

Remove and replace the faulty GST FW gate valve.

**General Contractor Direct Costs**

**Additive Costs**

A Labor	\$1,154.21
B Material	\$827.37
C Equipment	\$526.00
D Subtotal of Additive Cost	\$2,507.58

**Deductive Costs (use minus sign to denote negative figures)**

E Labor	\$0.00
F Material	\$0.00
G Equipment	\$0.00
H Subtotal of Deductive Cost	\$0.00

I Contractor's Total Direct Cost (D+H) \$2,507.58

J Contractor's Overhead and Profit 20% \$501.52

K **Total Contractor Direct Costs + Mark-up (Line I + J)** \$3,009.10

L Total Subcontractor Direct Costs \$0.00

M Contractor's Overhead and Profit on Subcontractor Direct Costs 5% \$0.00

N **Contractor Change Request (Line K + L + M)** \$3,009.10

O Bonds & Insurance 2% \$0.00

P **Total Contractor Change Request (Line N + O)** \$3,009.10

Freeland 5/11/2022  
 Contractor Signature Date

\_\_\_\_\_  
 Engineer Signature Date

\_\_\_\_\_  
 Owner Signature Date

**PAGE 2**  
**Additive Costs**

215 W. Bandera Rd. Ste. 114-461  
Boerne, Texas 78006  
mgr@acpartners.org  
210.698.8714

1 Description of Work to be done  
Remove and replace the faulty GST FW gate valve.

**Days Required**      1 8-10 Weeks for lead time for Gate Valves

<b>Labor Calculation</b>		<b>#Emp</b>	<b>Rate</b>		<b>Days</b>	<b>Total</b>
L03	Project Manager	1	628.10	x	0.5	\$ 314.05
L01	Supervision	1	409.91	x	1	\$ 409.91
L7T	Equip Operator	1	243.47	x	1	\$ 243.47
L06	General Labor	1	186.78	x	1	\$ 186.78
NA	-	0	0.00	x	0	
NA	-	0	0.00	x	0	
NA	-	0	0.00	x	0	
NA	-	0	0.00	x	0	
NA	-	0	0.00	x	0	
NA	-	0	0.00	x	0	
NA	-	0	0.00	x	0	
NA	-	0	0.00	x	0	
NA	-	0	0.00	x	0	
NA	-	0	0.00	x	0	
<b>Total Labor</b>						<b>\$1,154.21</b>

<b>Material</b>	<b>Qty</b>	<b>Rate</b>	
Core and Main	1	\$ 827.37	\$827.37
	0	\$ -	\$0.00
	0	\$ -	\$0.00
	0	\$ -	\$0.00
	0	\$ -	\$0.00
	0	\$ -	\$0.00
<b>Total Material</b>			<b>\$827.37</b>

<b>Equipment</b>	<b># Days</b>	<b>Dly Rate</b>	<b>Fuel</b>	<b>Del</b>	
Forklift, VR 10k,#50	1	476	50		\$ 526.00
None	0	0	0		
None	0	0	0		
None	0	0	0		
None	0	0	0		
None	0	0	0		
<b>Total Material</b>					<b>\$526.00</b>
<b>Total</b>					<b>\$2,507.58</b>

Run Date: 5/10/22

Preshipment Notification



Customer # 188974  
 Order # 0846324  
 Date Ordered 05/10/22  
 Job # ACP1309  
 Job Name BLANCO WTP IMP  
 Purchase Order # ACP1309  
 Method of Shipment OUR TRUCK  
 Contract Order # N734327  
 Ordered By FERNANDO  
 Ship Via CORE & MAIN LP

**Sold To:**  
 ASSOCIATED CONST PARTNERS LTD  
 STOCK-SAN ANTONIO  
 215 W BANDERA RD STE 114-461  
 BOERNE, TX 78006 2842

**Ship To:**  
 ASSOCIATED CONST PARTNERS LTD  
 BLANCO WTP IMPROVEMENTS  
 1015 FULCHER STREET  
 CONTACT: FERNANDO 210 259 8276  
 BLANCO, TX 78606

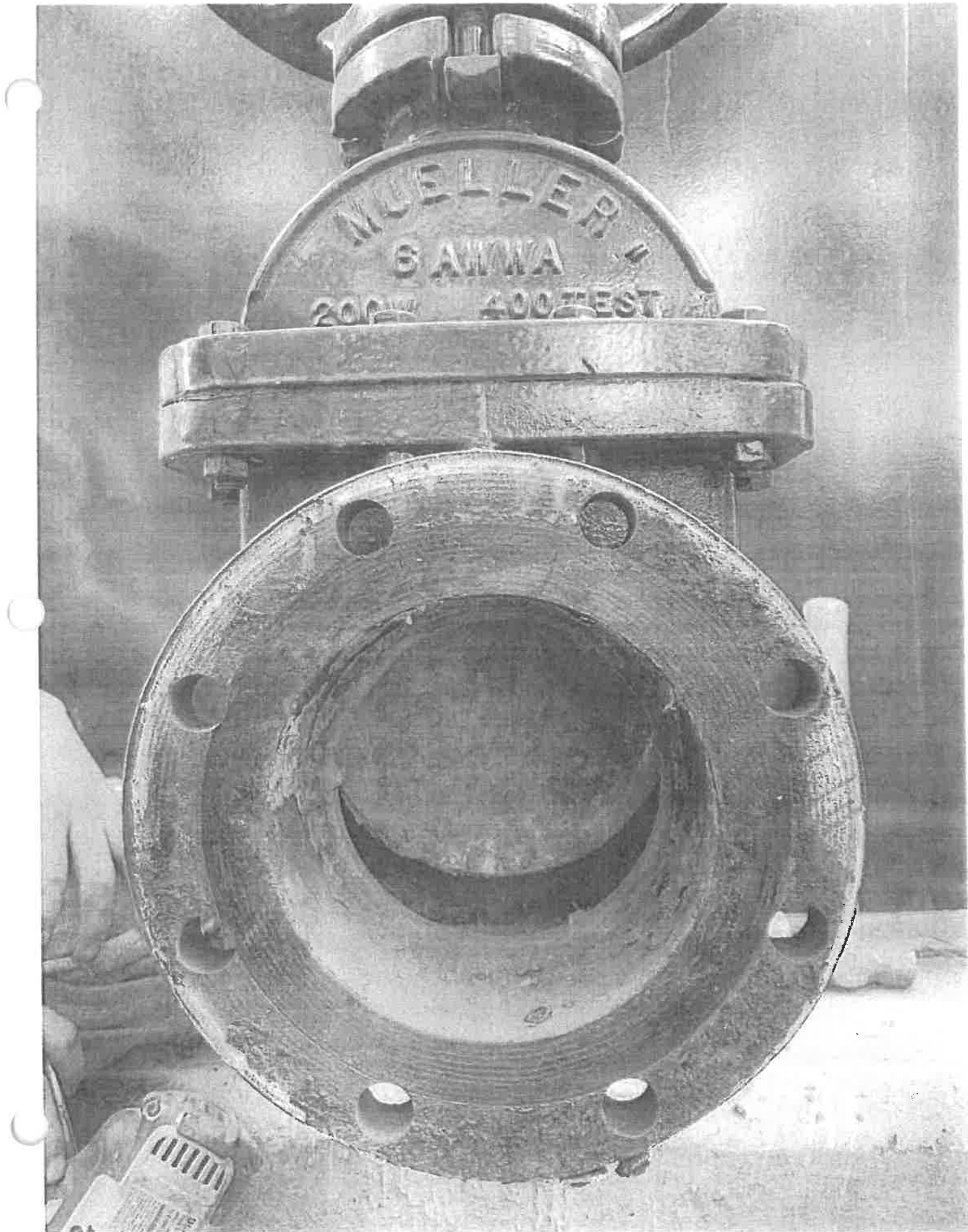
**Branch:**  
 SAN ANTONIO-E TX  
 Branch - 011  
 13790 Judson Rd  
 San Antonio, TX 78233 0000  
 Phone: 210-657-1632

Bid Seq#	Product Code	Description	Qty Ordered	Qty Shipped	Qty B/O	Net Price	UOM	Ext Price
	51062506F	6 AFC 2506FF FLG RW GV OL HW	1		1	742.37000	EA	.00
	24AFBNKS06	AMERICAN FLOW CONTROL	2		2	37.63000	EA	.00
	24AFGFR06A	6X1/8 FLG FF RR GASKET	2		2	4.87000	EA	.00

Terms in accordance with shipping manifest.

**Special Instructions/Comments:**  
 WARNING-HEAVY ITEM-LIFT ASSISTANCE REQ'D  
 BID # 1430339 C/O # N734327  
 BID NM: BLANCO-1.0MGD WTP IMPROVEMENTS -

Total Shipped: .00  
 Total Ordered: 827.37



**CONSENT**  
**ITEM #3**

**ORDINANCE AMENDING UDC PROVISIONS RELATING TO DRAINAGE MANUAL**  
**AN ORDINANCE AMENDING CHAPTER 9, "PLANNING AND DEVELOPMENT" OF THE CITY OF BLANCO CODE OF ORDINANCES BY AMENDING RELEVANT PROVISIONS OF EXHIBIT A, UNIFIED DEVELOPMENT CODE (UDC), SECTION 6.8, DRAINAGE, TO DEFINE THE TERM "CITY OF BLANCO DRAINAGE CRITERIA MANUAL"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES (INCLUDING IN THE CITY'S UDC) INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, Section 6.8 of the City's UDC does not define the term "City of Blanco Drainage Criteria Manual", which is used extensively in that Section; and

**WHEREAS**, a definition of this term is required to effect review and implementation of design and performance standards for drainage within the City of Blanco and its ETJ; and

**WHEREAS**, furthermore, the City wishes to fulfill the general public welfare, as set forth herein;

**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. ADOPTION OF AN ORDINANCE AMENDING CHAPTER 9, "PLANNING AND DEVELOPMENT" OF THE CITY OF BLANCO CODE OF ORDINANCES BY AMENDING RELEVANT PROVISIONS OF EXHIBIT A, UNIFIED DEVELOPMENT CODE (UDC), SECTION 6.8, DRAINAGE, TO DEFINE THE TERM "CITY OF BLANCO DRAINAGE CRITERIA MANUAL".**

Section 6.8 of the City's UDC is amended to add new Section 6.8(1)(d), as follows: "The term "City of Blanco Drainage Criteria Manual" shall mean the technical standards manual (or similar collection of writings in any form adopted by the City) which sets forth applicable technical drainage standards and related items, within the City and its ETJ; provided, if no such manual has been adopted by the City, such term shall mean the City of Austin's drainage manual or comparable technical standards document."

**SECTION 3. EFFECTIVE DATE.**

This ordinance is effective immediately.

**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 (including the City's UDC).

**APPROVED AND ADOPTED BY CITY COUNCIL, CITY OF BLANCO, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2022.**

**CITY OF BLANCO**

\_\_\_\_\_

**Mayor**

**ATTEST:**

\_\_\_\_\_

**City Secretary**

**OLD BUSINESS**

**ITEM #1**

**WATER QUALITY PROTECTION ORDINANCE**

**AN ORDINANCE PROVIDING FOR THE PROTECTION AND SAFETY OF WATER AND WATER QUALITY WITHIN THE CITY OF BLANCO AND ITS EXTRATERRITORIAL JURISDICTION, BY POLLUTION PREVENTION CONTROLS, DEVELOPMENT POLLUTION CONTROLS, AND OTHER MEANS, AND PROVIDING FOR CRIMINAL (MISDEMEANOR) AND CIVIL PENALTY (IN AN AMOUNT NOT TO EXCEED \$1000.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY); BY ADDING ARTICLE 9.04 TO CHAPTER 9, "PLANNING AND DEVELOPMENT" OF THE CITY OF BLANCO CODE OF ORDINANCES AND AMENDING RELEVANT PROVISIONS OF THE CITY'S UDC; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES (INCLUDING IN THE CITY'S UDC) INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, Section 26.177 of the Texas Water Code authorizes municipalities to establish a water pollution control and abatement program; and

**WHEREAS**, accordingly, the City of Blanco wishes to provide standards and procedures for municipal determination of the non-point source pollution control management policies which govern the planning, design, construction, operation and maintenance of drainage, erosion, and water quality facilities within the city limits and the city's extraterritorial jurisdiction (ETJ).

**WHEREAS**, furthermore, the City wishes to fulfill the general public welfare, as set forth herein;

**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. ADOPTION OF AN ORDINANCE PROVIDING FOR THE PROTECTION OF WATER QUALITY WITHIN THE CITY OF BLANCO AND ITS EXTRATERRITORIAL JURISDICTION, BY POLLUTION PREVENTION CONTROLS, DEVELOPMENT POLLUTION CONTROLS, AND PROVIDING FOR CRIMINAL (MISDEMEANOR) AND CIVIL PENALTY (IN AN AMOUNT NOT TO EXCEED \$1000.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY); BY ADDING ARTICLE 9.04 TO CHAPTER 9, "PLANNING AND DEVELOPMENT", OF THE CITY OF BLANCO CODE OF ORDINANCES.**

The Code of Ordinances of the City, Chapter 9, "Planning and Development" (and relevant provisions of the City's UDC), are hereby amended by the adoption of the following:

## **ARTICLE 9.04 WATER QUALITY PROTECTION**

### **Division 1. Generally**

#### **Sec. 9.04.001 Title, purpose and scope**

- (a) Title. This article shall be commonly cited as the water quality protection ordinance.
- (b) Introduction.
- (c) Purpose. This article sets forth the minimum requirements necessary to provide and maintain a safe, efficient and effective non-point source pollution control system and to establish the various public and private responsibilities for the provision thereof. Further, it is the purpose of this article to:
  - (1) Protect human life, health and property;
  - (2) Preserve the natural beauty and aesthetics of the community;
  - (3) Prevent degradation and pollution of groundwater resources;
  - (4) Protect the integrity of local ecological systems including but not limited to the Blanco River, Blanco State Park and Caswell Nature Trail, the Little Blanco River, and Miller Creek;
  - (5) Minimize the expenditure of public money for building and maintaining non-point source pollution control projects and cleaning sediments out of storm drains, streets, side-walks and watercourses;
  - (6) Help maintain a stable tax base and preserve land values;
  - (7) Control and manage the quality of stormwater runoff, and the sediment load in that runoff, from points and surfaces within subdivisions;
  - (8) Utilize best management practices (BMP) for development which prevents erosion and sediment damage and which reduces the pollutant loading to streams, ponds and other watercourses; and
  - (9) Prevent losses of endangered species and habitat of endangered species.
- (d) Jurisdiction. This article applies to all property within the city limits and the city's ETJ.
- (e) Development.
  - (1) The planning area-land use map of the city comprehensive plan acknowledges the existing land use patterns of the city and delineates compatible extensions of these patterns. It is a long-range, general guide for future growth, classified by seven broad categories (planning areas). The comprehensive plan states the city center should be the most densely developed planning area. Urban sprawl and high intensity land uses outward from the city center should be resisted.
  - (2) This article applies to development when considered as a whole, even if comprised of more than one lot. These regulations may not be circumvented by aggregating lots, when in fact the lots share a common development scheme.

(f) **Mandate.**

(1) Any person proposing the development of real property within the city limits or the city's ETJ is subject to the provisions of this article.

(2) Requirements of this article shall be addressed in applications for subdivision plats, site development permits, rezoning, special utility and development districts, conditional use permits, development agreements, and building permits.

(3) It shall be an offense for any person to develop or improve real property in violation of this article.

(4) It shall be an offense for any person to violate the prohibitions set forth in division 2 of this article (public pollution prevention controls).

(g) **Definitions and rules of construction.** Words and phrases used in this article shall have the meanings set forth in section 9.04.002 of this article. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

#### Sec. 9.04.002 Definitions

***Agricultural activities.*** Pasturing of livestock or use of the land for planting, growing, cultivating, and harvesting crops for human use or animal consumption. Such activities include nursery farms and orchards.

***Agricultural stormwater runoff.*** Any stormwater runoff from orchards, cultivated crops, pastures, range land, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR section 122.24.

***Applicant.*** The applicant shall be the owner of the property subject to this article, acting in person or by and through the owner's authorized representative. Documentation, in a form acceptable to the city, evidencing ownership of the property and the authority of the authorized agent must be submitted along with the application. For example, written power of attorney or a letter of agency will be sufficient to prove agency. A deed or tax letter will be adequate to establish ownership of the property.

***Application.*** A written request for an approval required by this article.

***Background pollutant load.*** The amount of pollution in stormwater runoff that is discharged from a site before development.

Best management practice (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the non-point source pollution of waters in the state. The two basic types of BMPs for purposes of this article are “structural BMPs” (which include engineered and constructed systems that are designed to provide for water quantity and/or water quality control of stormwater run-off) and “nonstructural BMPs” (which include institutional and pollution-prevention type practices designed to prevent pollutants from entering stormwater runoff or to reduce the volume of stormwater requiring management). This term expressly includes both structural and non-structural BMPs.

*Board of adjustment.* This term is the same as defined and applied in the zoning ordinance for the city.

*City engineer.* The engineer for the City of Blanco.

*City limits.* The incorporated municipal boundaries of the City of Blanco.

*Contributing zone.* The area or watershed where runoff from precipitation flows down-gradient to the recharge zone of the Edwards Aquifer or Trinity Aquifer.

*Critical environmental features (CEFs).* These are infiltration features and include caves, solution cavities, fractures, sinkholes, and other karst surface features as defined by TCEQ.

*Design storm event.* The design storm event for water quality is defined by reference to applicable TCEQ technical guidance.

*Develop.* To engage in the development of land.

*Developer.* An individual or enterprise engaged in the development of land.

*Development.* All land modification and construction activity, including the construction of buildings, roads, paved storage areas, parking lots and other improvements. “Development” also includes any land disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, grubbing, excavating, filling, installing streets and utilities and grading, mining, and dredging, and the deposit of refuse, waste or fill whether or not a site development permit or building permit are required. The following activities are excluded from the definition: care and maintenance of lawns, gardens, and trees; minimal clearing (maximum 10 feet wide) for surveying and testing.

*Discharge.* Any addition or introduction of any pollutant, stormwater, or any other substance in a harmful quantity into a stormwater drainage system or into waters in the state.

*Discharger.* Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

*Discharge (hydraulics).* The rate of fluid flow, expressed as the volume of fluid passing a point per unit time, commonly expressed as cubic feet per second.

*Domestic sewage.* Human excrement, gray water from home clothes washing, bathing, showers, dishwashing, and food preparation, other wastewater from household and residential drains, and waterborne waste normally discharged from the sanitary conveniences of apartment houses, hotels, office buildings, factories, institutions and other dwellings, but excluding industrial waste.

*Drainage area.* The horizontal projection of the area contributing runoff to a single control or design point.

*EPA.* The federal Environmental Protection Agency, a successor agency, or where applicable, its designee (including TCEQ).

*Erosion.* The detachment and movement of soil, sediment, or rock fragments by wind, water, ice or gravity.

*ETJ.* The extraterritorial jurisdiction of the city.

*Facility.* Any building, structure, installation, process, or activity from which there is or may be discharge of a pollutant.

*Fertilizer.* A solid or non-solid substance or compound that contains an essential plant nutrient element in a form available to plants that is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of one or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

*Fill.* The man-made deposition and compaction of material to effect a rise in elevation.

*Flood.* A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

*Floodplain.* For the purposes of water quality buffer zones, this term shall mean either of one or the other following definitions:

- (1) A FEMA studied floodplain identified on the FIRM (flood insurance rate maps) as zone AE or equivalent; or
- (2) A studied floodplain as provided through engineering data prepared and certified by a professional engineer.

*Grade.* The vertical location or elevation of a surface, or the degree of rise or descent of a slope.

*Harmful quantity.* The amount of any substance that will cause pollution of water in the state.

*Hazardous household waste (HHW).* Any material generated by or in a household (including single and multiple residences, hotels, motels, bunk houses, ranger stations, campgrounds, picnic grounds, and day use recreational areas) which, except for the exclusion provided in 40 CFR section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR part 261.

*Hazardous substance.* Any substance listed in table 302.4 of 40 CFR part 302.

*Hazardous waste.* Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR part 261.

*Herbicide.* A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

*High intensity planning area (HIPA).* That area of higher density development within the city limits as it may be defined in the city comprehensive plan and current zoning.

*Impervious cover.* Impermeable development covering the natural land surface that inhibits infiltration. The term expressly excludes storage tanks for rainwater harvesting systems, or the structure covering specifically the rainwater collection tanks.

*Industrial waste.* Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

*Infiltration.* The passage or movement of water into the subsurface of the natural land.

*Land user.* Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

*Licensed professional engineer/geoscientist.* A person who possesses an active license and is registered by the state board of registration for professional engineers/geoscientists in the state. The term also includes a professional engineer (PE).

*Limited plan review.* A level of city review of development site plans that is less detailed than standard review procedures and consisting of a geometric review of proposed impervious cover overlaid on stream buffer zones and CEF setbacks with no requirement in the review process to demonstrate achievement of otherwise applicable performance standards.

*Livestock containment area.* An area such as a corral, barn or pen used to contain livestock for the purpose of management and providing care.

*Local governmental agencies.* Any department or agency related to the subdivision of the state in the form of the county or municipality.

*Natural state.* The condition of the land existing prior to any development.

*Notice of intent (NOI).* The notice of intent that is required by either the site development permit or building permit.

*Non-point source (NPS) pollution.* Pollution that is caused by or attributable to diffuse sources. Such pollution results in the human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of water. Typically, NPS pollution results from land runoff, precipitation, atmospheric disposition, or percolation.

*Non-point source pollution control plan.* The drawings and documents submitted by an applicant seeking plan or permit approval under this article. Such a plan consists of a system of vegetative, structural and other measures to control the increased rate and volume of surface runoff and reduce pollutants in the runoff caused by human changes to the land.



*Oil.* Any kind of petroleum substance including but not limited to petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

*Operator.* The person or persons who, either individually or taken together, have day-to-day operational control over a facility and activities at the facility sufficient to attain compliance with the requirements of this article.

*Owner.* The person who owns a facility or part of a facility subject to the requirements of this article.

*Person.* Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

*Pesticide.* A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, as these terms are defined in Texas Agriculture Code section 76.001.

*Petroleum storage tank (PST).* Any one or combination of above-ground or underground storage tanks that contain oil, petroleum products or petroleum substances, and any connecting underground pipes.

*Point source.* Any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

*Pollutant.* Eroded or displaced sediment, soil, silt or sand resulting from development; dredged spoil; solid waste; sewage; garbage; chemical waste; biological materials; any other substance or material or thing not naturally found in waters in the state; radioactive materials; abandoned or discarded appliances or equipment; and industrial, municipal, and agricultural waste which is or may be discharged into waters in the state. This term shall be limited to those substances listed herein or monitored or regulated by the TCEQ or EPA.

*Pollution.* The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

*Redevelopment.* Any building, renovation, replat of property, revisions, remodel, and reconstruction of existing development.

*Release.* Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into a stormwater drainage system or into waters in the state.

*Residence.* Any building, or portion thereof, which is designed for or used as living quarters for one or more families including related outbuildings, garages, storage buildings, greenhouses, etc.

*Riparian corridor.* The ecological areas within and adjacent to a floodplain that do or can support the following plant species: Pecan, American Elm, Arizona Walnut, Bald Cypress, Black Walnut, Bur Oak, Cedar Elm, Little Walnut, Green Ash, Texas Sugarberry, American Sycamore, Eastern Cottonwood, Black Willow, and Live Oak.

*Rubbish.* Nonputrescible solid waste, excluding ashes, that consists of:

- (1) Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, asphalt, yard trimmings, leaves, and similar materials; and
- (2) Noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

*Runoff.* That portion of precipitation or precipitation drainage that flows by force of gravity across the ground surface as sheet flow or in a stormwater drainage system towards water in the state.

*Septic tank waste.* Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage (or sanitary sewage).* The domestic sewage and/or industrial waste that is dis-charged into a sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

*Sewer (or sanitary sewer).* The system of pipes, conduits, and other conveyances which carry domestic sewage and/or industrial waste from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant and which are intended to exclude stormwater, surface water, and groundwater.

*Site development permit.* The record of approval of the site development plan issued to and applicant.

*Site development plan.* Detailed engineered drawings and accompanying text clearly describing the site development improvements.

*Solid waste.* Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

*Spring.* A point or zone of natural groundwater discharge, whether constant or intermittent, having measurable flow, or a pool, and characterized by the presence of a mesic plant community adapted to the moist conditions of the site.

*Start of construction.* The first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

*State.* The State of Texas.

*Steep slope.* Defined as a 400% grade, as defined for the purposes of setbacks.

*Stormwater drainage system.* A conveyance or system of conveyances (open or closed) including roads with drainage systems, catch basins, curbs, gutters, ditches, manmade channels, or storm drains designed or used for collecting or conveying stormwater.

*Stormwater pollution prevention plan (SWPPP).* A plan required by either the TPDES construction site general permit or the TPDES industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity.

*Streams.* Perennial and intermittent watercourses identified through site inspection and USGS maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

*Subdivision.* A division, or re-division, of any tract of land situated within the city's jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or in the future, of sale, division of ownership or building development. "Subdivision" includes re-subdivisions of land or lots which are part of previously recorded subdivisions.

*TCEQ.* The Texas Commission on Environmental Quality or its predecessor or successor agencies as defined by law.

*TPDES general permit for construction stormwater discharges.* The Construction General Permit No. TXR150000 issued by TCEQ on March 5, 2003 and any subsequent modifications or amendments thereto.

*TPDES general permit for industrial stormwater discharges.* The Industrial General Permit No. TYR050000 issued by TCEQ on August 20, 2001 and any subsequent modifications or amendments thereto.

*TPDES permit.* A permit issued by TCEQ pursuant to authority granted under 33 USC section 1342(b) that authorizes the discharge of pollutants into waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

*Transferable development intensity (TDI).* Authorization to exceed the uniform intensity levels otherwise imposed under this article on a less environmentally sensitive tract of land resulting from voluntary relinquishment of development rights otherwise allowed under this article on a more environmentally sensitive tract of land (e.g., through dedicated conservation easement). A TDI can also result from the removal of existing impervious cover within an existing development with water quality protection measures not otherwise re-quired by this article.

*Waiver.* A grant of relief to a person from the requirements of this article when specific enforcement would result in unjustifiable or unnecessary hardship due to out-of-the-ordinary or extenuating circumstances.

*Water in the state (or water).* Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, or canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are inside the jurisdiction of the state.

*Water quality buffer zone (WQBZ).* Natural riparian areas along waterways and critical environmental features that reduce overland flow velocities and filter pollutants.

*Water quality controls.* An engineered and constructed device or system designed to protect water from pollution, control the rate and flows of stormwater runoff, and/or minimize erosion and sediment deposits from stormwater runoff.

*Watershed.* The total area contributing runoff to a stream or drainage system.

*Wetland.* An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions and conforms to the U.S. Army Corps of Engineers' definition. Wetlands generally include swamps, marshes, bogs, and similar areas.

*Yard waste.* Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

Secs. 9.04.003–9.04.030 Reserved

## Division 2. Public Pollution Prevention Controls

### Sec. 9.04.031 Prohibitions

Per the city comprehensive plan, it is the intent of the following prohibitions to eliminate sources of pollution affecting watersheds and aquifers.

(1) General prohibitions.

(A) No person shall discharge, or cause, suffer or allow the discharge, of any wastes, substances or other materials into or adjacent to any water in the state which causes or will cause pollution of any water in the state, except where otherwise exempt or allowed through permit by the TCEQ.

(B) No person shall introduce or cause to be introduced into a stormwater drainage system any pollutants or other discharge that is not composed entirely of stormwater, except where otherwise exempt or allowed through permit by the TCEQ.

(2) Specific prohibitions.

(A) No person shall introduce or cause to be introduced into a stormwater drainage system any discharge that causes or contributes to causing a violation of a water quality standard established by law.

(B) No person shall introduce, discharge, or cause, suffer or allow a release of any quantity of the following substances into a stormwater drainage system:

(i) Motor oil, antifreeze, or any other motor fluid;

(ii) Industrial waste;

(iii) Asphalt;

(iv) Hazardous waste, including hazardous household waste;

(v) Domestic sewage, septic tank waste, grease trap waste, or grit trap waste;

(vi) Garbage, rubbish or yard waste beyond that yard waste that typically washes off a yard during a rain event;

(vii) Wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance operation at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity that operates more than two such vehicles;

(viii) Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;

(ix) Wastewater from commercial floor, rug, or carpet cleaning;

(x) Wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance as defined by EPA or TCEQ; or any wastewater from the wash-down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

(xi) Effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;

(xii) Ready-mixed concrete, mortar, ceramic, or asphalt base material or hydromulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;

(xiii) Runoff or washdown water from any animal pen, kennel, or fowl or livestock containment area;

- (xiv) Filter backwash from a swimming pool, or fountain, or spa;
- (xv) Swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (xvi) Discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
- (xvii) Fire protection water containing oil or hazardous substances or materials (except for discharges or flows from firefighting activities by a locally accredited fire department);
- (xviii) Water from a water curtain in a spray room used for painting vehicles or equipment;
- (xix) Contaminated runoff from a vehicle wrecking yard;
- (xx) A substance or material that will damage, block, or clog the stormwater drainage system;
- (xxi) Release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
  - a. The discharge complies with all state and federal standards and requirements;
  - b. The discharge does not contain a harmful quantity of any pollutant;
  - c. The discharge does not contain more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).
- (C) No person shall introduce into a stormwater drainage system any quantity of sediment, silt, dirt, soil, sand or other material associated with clearing, grading, excavation or other development activities, or associated with landfilling or other placement or disposal of soil, rock, sand or other earth materials, in excess of what could be retained on-site or captured by employing sediment and erosion control measures to the minimum extent re-quired by this article.
- (D) No person shall connect a line conveying sanitary sewage, whether domestic or industrial, to a stormwater drainage system, nor allow such a connection to continue if dis-covered.
- (E) No person shall cause or allow any pavement washwater from a gasoline service station, constructed after the effective date of this article, to be discharged into a stormwater drainage system unless such washwater has first passed through a grease, oil, and sand interceptor which is properly functioning and maintained.
- (F) Pesticide, herbicide, and fertilizer regulation.
- (i) Any license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for sale, distribution, application, manufacture, transportation,

storage, or disposal of a pesticide, herbicide or fertilizer must be presented to an authorized city enforcement officer for examination upon request.

(ii) No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.

(iii) No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters in the state.

(iv) No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters in the state.

(G) Used oil regulation.

(i) No person shall discharge used oil into a stormwater drainage system or a sewer, drainage system, septic tank, surface water, groundwater, or watercourse.

(ii) No person shall knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill.

(iii) The application of used oil shall be allowed for the uses of used oil that are defined in 40 CFR 279.1.

(iv) All businesses engaged in the changing of motor oil for the public, all municipal waste landfills, and all fire stations may serve as public used oil collection centers as provided by state law.

(v) A retail establishment which sells motor oil in containers directly to the public for use off-premises shall post in a prominent place a sign informing the public that improper disposal of used oil is prohibited by law. The sign shall prominently display the toll-free telephone number of the state used oil information center.

Sec. 9.04.032 Permit determination

(a) Exemptions. The following are exempt from the provisions of this article:

(1) Development or redevelopment that adds less than 5,000 square feet of new impervious cover.

(2) Development of a single-family residence on an existing platted lot.

(3) Development of a single-family residence that creates more than 5,000 square feet of new impervious cover and provides erosion and sediment control during construction and is in compliance with the water quality buffer zone requirements found in section 9.04.063.

(4) Agricultural activities.

(b) Alternate standards compliance. Development that meets the following criteria need not comply with section 9.04.061(a) (provide structural or nonstructural BMPs):

(1) Not part of a common plan of development and the project impervious cover is less than 15% and the cluster development sections (individual drainage areas) have impervious cover less than 20 percent.

(2) The street and drainage network is designed to include the use of open roadway sections (no curb and gutter), ribbon curb, drainage channels and the maintenance of sheet flow.

Secs. 9.04.033–9.04.060 Reserved

### Division 3. Development Pollution Controls

#### Sec. 9.04.061 Performance standards for development

(a) All new subdivision development and new commercial development that adds more than 5,000 square feet of new impervious cover shall achieve the pollutant removal standards detailed in this section through the design and implementation of structural and non-structural BMPs and water quality controls. These standards shall apply to an entire project for which a unified development scheme is intended by the applicant, without regard to whether the project is comprised of more than one lot. These regulations cannot be avoided by dividing a single project into several small lots. These regulations shall not apply to the development of a single-family residence on an existing platted lot.

(1) Performance standards.

(A) 5 acres or less and not part of a common plan of development and impervious cover is 15 percent or greater: Technical demonstration that the water quality volume is retained on site for not less than 24 hours through the use of conventional and low impact development techniques.

(B) Greater than 5 acres: Technical demonstration of pollutant load removal is required by obtaining contributing zone plan approval from TCEQ unless the project is exempt from the TCEQ requirements due to proposed impervious cover levels less than TCEQ thresholds for permitting.

(2) Alternate standards. Development that meets the following criteria need not provide water quality volume as noted in subsection (b)(1)(A) above:

(A) The gross impervious cover is 15 percent or less and the cluster development sections have 20 percent or less gross impervious cover.

(B) Street and drainage network is designed to include the use of open roadway sections, ribbon curb, drainage swales, maintenance of sheet flow and water quality buffer zones.

#### Sec. 9.04.062 Impervious cover

Per the city comprehensive plan, it is the intent of this section to preserve and protect the quality of watersheds and limit the amount of impervious cover in development. Recognizing there is an



established correlation between increasing impervious cover and the impairment of water quality and increased erosion, the following limitations on impervious cover are set forth:

(1) Maximum limits. Maximum limits on impervious cover are established as follows on developments occurring after the effective date of this article:

(A) The maximum impervious cover limit is 30% of the development.

(B) For areas within the city limits, impervious cover limits for tracts may be established in the city's zoning ordinance according to the particular zoning district the tract is designated.

(2) Impervious cover limit calculations. Impervious cover limits in this section are expressed as a percentage of the gross site area of the subject tract. For purposes of calculation of impervious cover limits, the gross site area includes water quality buffer zone (WQBZ) areas and critical environmental features (CEF) setback areas.

(3) Items considered impervious cover. The following shall be considered as impervious cover, unless modified through the use of incentives (rainwater collection, porous pavement, etc.):

(A) Roads, pavements, and driveways;

(B) Parking areas;

(C) Buildings;

(D) Pedestrian walkways and sidewalks;

(E) Concrete, asphalt, and masonry surfaced areas, and stone surfaced areas;

(F) Swimming pool water surface area;

(G) Densely compacted natural soils or fills which result in a coefficient of permeability less than  $1 \times 10^{-6}$  cm/sec;

(H) All existing man-made impervious surfaces prior to development;

(I) Water quality and stormwater detention basins lined with impermeable materials;

(J) Stormwater drainage conveyance structures lined with impermeable materials.

(4) Items not considered impervious cover.

(A) Existing roads adjacent to the development and not constructed as part of the development at an earlier phase;

(B) Rock outcrops;

(C) Landscaped areas and areas remaining in their natural state;

(D) Water quality controls and stormwater detention basins not lined with impermeable materials;

(E) Stormwater drainage conveyance structures not lined with impermeable materials;

- (F) Interlocking or “permeable” pavers; and
  - (G) Functioning rainwater harvesting systems, as defined below.
- (5) Reduction incentives. As an incentive to reduce impervious cover, all developments with less than 15% impervious cover are not required to provide technical demonstration for removal of pollutants, but must incorporate sufficient water quality control measures. Development eligible for these alternate standards must meet the following requirements:
- (A) The gross development impervious cover is 15 percent or less; and
  - (B) The street and drainage network is designed to include the use of open roadway sections, ribbon curb, grassy channels, and maximize sheet flow.
- (6) Rainwater harvesting incentives.
- (A) Rainwater harvesting consists of a series of components designed to capture, store and reuse rainwater. A rainwater harvesting system consists of six basic components including:
    - (i) Catchment area/roof, which is the surface on which the rain falls;
    - (ii) Gutters and downspouts, which transport the water from the catchment area to storage;
    - (iii) Leaf screens and roof washers, which are used to filter out debris;
    - (iv) Cisterns or storage tanks where collected rainfall is stored;
    - (v) Conveyance, which is the method of delivering the water either by gravity or pump; and
    - (vi) Water treatment, which includes filters and equipment that are used to settle, filter, and disinfect the water if it is to be used for drinking water.
  - (B) A rainwater harvesting system approved under this article shall comply with the following minimum requirements:
    - (i) The entire system, including rainwater collection, conveyance and storage, shall be isolated from the site stormwater system.
    - (ii) The collected rainwater shall be used for on-site irrigation, residential non-potable water use, or other purposes as approved by the city.
    - (iii) The system shall comply with the pollution control performance standards of section 9.04.061(a) and (b).
    - (iv) The on-site irrigation system shall be designed in accordance with standard irrigation practices considering such factors as soil type, slope, and vegetative uptake rates.
  - (C) Rainwater collection and containment structures functioning as a rainwater harvesting system are not considered impervious cover. Such structures and/or improvements can be used to obtain credit towards any impervious cover requirement set forth in this article. Structures and/or improvements (e.g., building roofs, patios, awnings, etc.) from which stormwater is harvested are considered impervious cover.

(D) In order to qualify to receive credit for a rainwater harvesting system, the system must be designed to exceed normal draw (i.e., no credit will be given if the tank does not fall below 85% full in a calendar year). Credit is just for the tank cover. In order to qualify, the applicant must demonstrate where water is going. (e.g., how it will be drawn down, use as non-potable source rainwater, or irrigation).

(E) Credits can zero-out impervious cover for purposes of calculating runoff treatment for the captured area. Applicants may also get up to 10 percentage points credit toward additional cover.

(7) Transferable development intensity (TDI) incentive.

(A) Transfer of development intensity. An applicant who complies with a provision of this subsection qualifies for the TDI:

(i) For each three (3) acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for nonresidential use, and does not include impervious calculations elsewhere, the applicant may transfer up to one (1) acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten (10) percentage points;

(ii) For each six (6) acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for residential use and does not include impervious calculations elsewhere, the applicant may transfer up to one (1) acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten (10) percentage points; or

(iii) For each six (6) acres of land that an applicant leaves undeveloped and undisturbed in the ETJ of the city and does not include its impervious calculations elsewhere, the applicant may transfer up to one (1) acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten (10) percentage points.

(B) Requirements. An applicant who qualifies for a TDI must comply with the following requirements to effectuate the transfer:

(i) The transferring tract and the receiving tract must be located within the city limits or the city's ETJ;

(ii) The transferring tract does not include a WQBZ or CEF;

(iii) The receiving tract must comply with the water quality control standards of this article;

(iv) The transferring and the receiving tracts must be concurrently platted and must transfer development intensity at that time;

(v) The TDI must be noted on the plats of the transferring and receiving tracts; and

(vi) A restrictive covenant must be filed in the deed records, approved by the city, that runs with the transferring tract and describes the TDI.

(8) Restrictions on siting of impervious cover.

- (A) Impervious cover shall not be constructed downstream of water quality controls except for specific instances reviewed and approved by the city engineer.
- (B) Impervious cover shall not be constructed within WQBZs except as allowed by this article.
- (C) Impervious cover shall not be constructed within critical environmental feature set-back areas.
- (D) Impervious cover shall not be constructed within the areas designated for on-site irrigation of treated wastewater effluent disposal and/or captured stormwater.

Sec. 9.04.063 Water quality setbacks

(a) Water quality buffer zones (WQBZ) required. As the location of development activities can have significant impacts on water quality, water quality buffer zones (WQBZ) shall be established along streams at the time of platting (creation of newly subdivided lots or site plans). This subsection does not apply to legally platted lots that existed as of the effective date of this ordinance; provided, any new platted lots shall reflect any required WQBZ.

(b) Dimensions for WQBZ.

(1) Option 1. A WQBZ shall be established along streams with the specified contributing drainage area as follows. The dimensions of the WQBZ are shown below:

(A) Greater than 5 acres and up to 40 acres but excluding roadside swales. The WQBZ shall extend a minimum of 25 feet from either side of the centerline of the waterway (total of 50 feet of buffer zone). This buffer zone category will not apply within the city limits.

(B) Greater than 40 acres and up to 128 acres. The WQBZ shall extend a minimum of 50 feet from either side of the centerline of the waterway (total of 100 feet of buffer zone).

(C) Greater than 128 acres and up to 320 acres. The WQBZ shall extend a minimum of 100 feet from either side of the centerline of the waterway (total of 200 feet of buffer zone).

(D) Greater than 320 acres and up to 6400 [640] acre. The WQBZ shall extend a minimum of 200 feet from either side of the centerline of the waterway (total of 400 feet of buffer zone).

(E) Greater than 640 acres. The WQBZ shall extend a minimum of 300 feet from either side of the centerline of the waterway (total of 600 feet of buffer zone).

(2) Option 2 - Floodplain buffer zone. For creeks or rivers draining less than 40 square miles but more than five (5) acres, excluding roadside swales, the WQBZ shall extend a minimum of 25 feet from the 100-year floodplain boundary paralleling each side of the creek or river. The 100-year floodplain shall be based on modeling approaches as approved by the city engineer. For creeks or rivers draining more than 40 square miles, the WQBZ shall be considered equal to the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA) or by an engineered floodplain study approved by the city engineer.

(c) Special instructions regarding WQBZs.

(1) At the sole discretion of the city and based on special circumstances, minimum distances from the stream centerline may be adjusted if there are equivalent protection measures proposed that are found acceptable by the city engineer.

(2) Along steep slopes, as defined, the width of the WQBZ shall be 25 feet beyond the edge of the defined steep slope.

(3) Except as specifically provided for in this article, all development activities, including temporary construction activities, and landscaping activities, are prohibited in the WQBZ of a stream, without the express written approval of the city engineer, who must be provided evidence of equivalent protection.

(d) Allowable development in WQBZ. The following development activities within a WQBZ may be allowed at the sole discretion of the city with the corresponding conditions:

(1) Critical utility crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(2) Critical roadway crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(3) Critical transportation crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(4) Hike and bike trails if provided for in an approved development plan;

(5) Maintenance and restoration of native, non-invasive vegetation;

(6) Water quality control monitoring devices;

(7) Removal of trash, debris, and pollutants;

(8) Fences that do not obstruct flood flows;

(9) Public and private parks and open space, if human activities are limited to hiking, jogging, or walking trails, and excluding stables, corrals and other forms of animal housing;

(10) Typical private drives (acceptable to the city) to allow access to property not otherwise accessible; and/or

(11) The construction and use of regional stormwater detention basins for the express purpose of floodplain management. The embankment shall occupy a narrow footprint and no excavation takes place in the flood storage pool. Limited vegetation clearing and minor grading is allowed to construct the embankment and outlet works.

(e) Limitations on allowed activities in WQBZ. Any development within a WQBZ allowed under subsection (d) of this section shall be designed and/or conducted in a manner which limits the alteration and pollution of the natural riparian corridor to the maximum extent feasible. In

no case shall any wastewater line be located less than 100 feet from the centerline of a stream unless the applicant has demonstrated that installation of the wastewater line outside of this zone is physically prohibitive or environmentally unsound. Any wastewater lines located in a WQBZ shall meet design standards and construction specifications to ensure zero leakage.

(f) Requirements for discharges in WQBZ. All water quality control discharges and stormwater discharges shall not be directly connected to the WQBZ. Instead, concentrated runoff shall be converted to diffused overland sheet flow.

#### Sec. 9.04.064 Critical environmental feature (CEF) protection

As critical environmental features (CEF) are micro-geologic features that can become direct entry points where pollutants are introduced, the following setbacks from CEFs are as set forth in this article to minimize the risk of groundwater pollution:

- (1) Minimum setback. A minimum setback area with a radius of one hundred (100) feet is established around the outside periphery of all CEFs.
- (2) Restrictions.
  - (A) No development activities are allowed within the setback area.
  - (B) No untreated stormwater runoff from developed land shall be allowed to flow over CEFs.
- (3) Hilltop CEFs. For CEFs which are discovered to lie in an area which does not receive stormwater runoff (e.g., situated at the top of a hill), the setback area is 25 feet to prevent inadvertent pollution of the CEF unless otherwise restricted by this code.

#### Sec. 9.04.065 Erosive flow controls

Per the city comprehensive plan, it is the intent of this section to minimize the effects of rainwater runoff on property development and environmental degradation. This section encourages using structural and non-structural stormwater drainage systems to preserve the natural features of the area and to assist with the replenishment of the area's water supply. As stormwater discharges (hydraulics) from development pose a significant threat to water quality, the following sediment and erosion control regulations are set forth for development:

- (1) Erosion control requirement. When development occurs on a property, all disturbed land areas shall have erosion and sediment control measures established prior to any work being performed on the property. This section applies whether or not a site development permit or building permit is required. Such measures shall be designed so as to eliminate the possible transport of silt, earth, topsoil, rubbish, yard waste etc., by water runoff from the subject property to an adjacent property, stream, or onto city streets, drainage easements, and drainage facilities, following any land disturbing activity.
- (2) Erosion control plan.
  - (A) In those cases where a building permit or site development permit is required, including but not limited to development within the boundaries of a Protected Waterway overlay district,

to clearly identify all erosion and sediment control measures to be installed and maintained throughout the duration of the project, a de-tailed erosion control plan shall be required prior to the issuance of the site development permit or the building permit. Such plans shall be prepared in accordance with the requirements set forth in the TCEQ Stormwater Pollution Prevention Plan (SWPPP) guidance.

(B) Each developer shall implement and maintain the erosion control measures shown on its approved erosion control plan to minimize the erosion and the transport of silt, earth, topsoil, etc., by water runoff or development activities, beyond the limits of the developer's site onto city streets, drainage easements, drainage facilities, storm drains or other city property prior to beginning any land disturbing activity. Sediment basins are re-quired for drainage areas serving at least 10 acres and are sized to capture the runoff from the 2-year 24-hour storm (8,000 cubic feet per acre). The runoff shall be detained a minimum of 48 hours and it is desirable to use techniques that draw water off the top of the water surface. Sediment basins cannot be installed in drainage areas greater than 40 acres and are not allowed in the WQBZ.

(C) It shall be an offense for a developer performing work on a project to violate any of the requirements of this article, including, but not limited to, the following:

(i) Conducting development activity without an approved erosion control plan, when re-quired, for the location where the violation occurred.

(ii) Failing to install erosion control devices or to maintain erosion control devices throughout the duration of development activities, in compliance with the approved erosion control plan for the location where the violation occurred.

(iii) Failing to remove off-site sedimentation that is a direct result of development activities where such off-site sedimentation results from the failure to implement or maintain erosion control devices as specified in an approved erosion control plan for the location where the violation occurred.

(iv) Allowing sediment-laden water resulting from below-ground installations to flow from a site without being treated through an erosion control device.

(v) Failing to repair damage to existing erosion control devices, including replacement of existing grass or sod.

(vi) Written notice of violation shall be given to the developer or his job site representative as identified in the erosion control plan for a site. Such notice shall identify the nature of the alleged violation and the action required to obtain compliance with the intent of the approved erosion control plan.

(3) Construction stormwater general permit. Prior to the commencement of development activity, including clearing, grading, and excavation activities, that result in the disturbance of 1 or more acres of total land area, or that are part of a common plan of development or sale within which 1 or more acres of total land area are disturbed, the develop-er is required to obtain the

construction stormwater general permits, as may be required by TCEQ, and shall submit for review to the city a signed copy of its required notice of intent (NOI) along with a copy of the required stormwater pollution prevention plan (SWPPP).

(A) A copy of any NOI that is required shall be submitted to the city in conjunction with any application for a building permit, subdivision plat approval, site development plan approval, and any other city approval necessary to commence or continue construction at the site.

(B) The city shall require any developer who is required to prepare a SWPPP to submit the SWPPP, and any modifications thereto, to the city for review. Such submittal and review of the SWPPP shall be required by the city prior to commencement of or during construction activities at the site.

(C) Upon the city's review of the SWPPP and any site inspection that the city may conduct, the city may deny approval of any building permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the construction general permit, or any additional requirement imposed by or under this article. Also, if at any time the city determines that the SWPPP is not being fully implemented, the city may similarly deny approval of any building permit, site development permit, subdivision plat, site development plan or any other city approval necessary to commence or continue development, or to assume occupancy, at the site.

(4) Drainage patterns. Drainage patterns shall be designed to the maximum extent practical to prevent erosion, maintain the recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by stormwater. All discharge points from stormwater retention and detention ponds or other accumulation areas shall provide for energy dissipation prior to exiting the site. Overland sheet flow and natural drainage features and patterns shall be maintained, rather than concentrating flows in storm sewers and drainage ditches. Stormwater drainage facilities shall be sized to maintain flood flow velocities as outlined in Section 6.8 of the City's Code of Ordinances, or other guidance approved by the city engineer.

(5) Stormwater discharge into waterway. For site designs that provide for discharge of stormwater into a waterway, adequate retention and/or detention shall be incorporated in-to the site design manage post-development peak runoff rates to be equal to or less than existing runoff rates for the 2-year, 10-year, 25-year, and 100-year storms or demonstrate no negative impact to downstream property owners per Section 6.8 of the City's Code of Ordinances or other guidance approved by the city engineer.

(6) Cut and fill stabilization. A cut or fill with a finished grade steeper than 33% shall be stabilized with a permanent structure.

(7) Roof runoff. All roof runoff from nonresidential buildings shall have downspouts disconnected from the site stormwater drainage system. Special circumstances may be re-viewed and approved by the city without a waiver to this requirement.



Sec. 9.04.066 Landscaping controls

- (a) A developer shall to the maximum extent practical:
  - (1) Landscape shall be preserved in its natural state;
  - (2) Xeriscape and low maintenance vegetation shall be included in all development .
  - (3) The use of herbicides, pesticides and fertilizers shall be minimized.
- (b) (1) An applicant for a site development permit shall submit a pesticide and fertilizer management plan providing information regarding proper use, storage, and disposal of pesticides and fertilizers. The plan shall indicate likely pesticides and fertilizers to be used. The plan shall include two lists of pesticides and fertilizers:
  - (A) Those which, due to their chemical characteristics, potentially contribute significantly to water quality degradation;
  - (B) Those which, due to their chemical characteristics, potentially would result in minimal water quality degradation.
- (2) City approval of the pesticide and fertilizer plan is required prior to issuance of a site development permit.
- (c) An applicant for a site development permit shall submit an integrated pest management (IPM) plan. City approval of the integrated pest management plan is required prior to issuance of a site development permit.

Sec. 9.04.067 Water quality controls (WQC) maintenance

- (a) An applicant for a site development permit shall submit a WQC maintenance plan describing the specific measures proposed for operating, monitoring, and maintaining each water quality control proposed for a development project as required by this article. The measures described in the WQC maintenance plan shall be consistent with the guidelines set forth in the manual. City approval of the WQC maintenance plan is required prior to issuance of a site development permit.
- (b) Upon city approval of the WQC maintenance plan, the project applicant shall record in the county deed records and on any recorded plat(s) for the development a notation stating that the property is subject to a water quality control maintenance plan on file at the city's administrative offices. Upon transferring title to the property, or any subdivided portion thereof, the applicant shall establish a deed restriction stating that the property is subject to a water quality control maintenance plan on file at the city's administrative offices.
- (c) All applicants shall operate, monitor, and maintain each water quality control required by this article in accordance with the WQC maintenance plan and the requirements of this article.

(d) (1) The WQC maintenance plan may provide for transfer of responsibility for WQC operation and maintenance activities to:

(A) A groundwater district, a municipal utility district, a public utility district, or any other special district created under state law;

(B) A homeowners' or property owners' association;

(C) A natural resources conservation or other environmental interest group; or

(D) Any similar third-party entity.

(2) Transfer of responsibility to any such entity requires the advance written consent of the city. Any entity assuming responsibility for WQC operation and maintenance shall also assume responsibility for the financial assurance as may be required by the city council.

(e) Structural water quality controls (WQCs) shall be sized for the entire contributing drainage area for the following types of developments:

(1) New multifamily residential development, new nonresidential development, and new subdivision development.

(2) Redeveloped multifamily residential development, redeveloped nonresidential development, and all redeveloped subdivision development that increases total impervious cover to a level greater than the impervious cover limits described in section 9.04.062.

(3) New single-family residential development which is not part of a subdivision development if such development has impervious cover greater than the impervious cover limits described in section 9.04.062.

(f) To provide necessary access for maintenance and monitoring, water quality controls shall be located within an area dedicated to the public by easement, deed restriction, or recorded plat notation. The dedicatory instrument shall note that water quality restrictions exist on the property and that any alternative use or alteration of the property must be approved in writing by the city.

#### Division 4. Administration and Enforcement

##### Sec.904.101 Fees

The city, acting by and through the city administrator or his designee, is authorized to recover reasonable fees and expenses attendant to the review, administration, and enforcement of this ordinance, to recover all costs and expenses incurred therefor by the City. The foregoing shall not preclude any other remedies authorized for the city by this ordinance.

##### Sec. 9.04.102 Waivers

(a) Presumption. There shall be a presumption against waivers. However, if the applicant requests a waiver in writing, the board of adjustment may authorize a waiver from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.

- (b) Identification. All waivers requested for a project must be identified during the platting and/or site plan approval process (as may be applicable).
- (c) Conditions. In granting a waiver, the board of adjustment shall prescribe upon the applicant only conditions that it deems necessary to or desirable in the public interest.
- (d) Considerations. In making the findings required below, the board of adjustment shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of such waiver on the public health, safety, convenience and welfare in the vicinity.
- (e) Findings. No waiver shall be granted unless the board of adjustment finds that all of the following provisions are met, and the burden shall be on the developer to show that these provisions are satisfied:
  - (1) That there are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;
  - (2) That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;
  - (3) That the granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - (4) That the granting of the waiver will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.
- (f) Pecuniary hardship. Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.
- (g) Minimum departure. When the board of adjustment determines that a waiver is warranted, the waiver permitted shall be the minimum departure from the terms of this article necessary to avoid such deprivation of privileges enjoyed by such other property to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences.
- (h) Adequate basis: Option 1. It may be determined by the board of adjustment to be an adequate basis for granting a waiver that doing so will enable the applicant to create additional open space, preserve trees, maintain critical environmental features, ensure more wildlife preservation, or bring nonconforming structures (including but not limited to signs) into compliance with current regulations. The applicant shall submit a mitigation plan demonstrating how the proposed plan compensates for the waiver(s) being granted. Examples of potential mitigation include, but are not limited to, the applicant's use of rainwater harvesting, vegetative filter strips and other non-structural BMPs as well as agreement to further limit impervious cover below what is required by this article. This section is designed to achieve a more favorable

outcome for the general public than would be possible complying with the strict mandates of this article.

(i) Adequate basis: Option 2. It may be determined by the board of adjustment to be an adequate basis for granting a waiver that the applicant provides the city with a proposal pursuant to which the applicant presents a site exceeding the standard impervious cover rates with a mitigation plan that compensates for the additional impervious cover. Examples of potential mitigation include, but are not limited to, the applicant's acquisition of TDIs to offset the additional impervious cover.

Sec. 9.04.103 Enforcement; penalties

(a) Civil and criminal penalties apply. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.

(b) Criminal prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of this code. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

(c) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:

(1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;

(2) A civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and

(3) Other available relief.

(d) Administrative action.

(1) Stop work orders. When an appropriate authorized official of the city determines that there has been noncompliance with any material term, condition, requirement or agreement under this article, the person obtaining such approved plan shall be ordered by the city in writing to cease and desist from further development or construction material to the alleged noncompliance until corrected by compliance.

(2) Withholding authorizations. The city may refuse to grant development, construction, or occupancy approvals for improvements for a property that does not fully and completely comply with all terms and conditions of this article. Without limiting the type or number of approvals the

city may withhold, the city is specifically authorized to refuse to grant site development permits, building permits, utility connections, and certificates of occupancy.

**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 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 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 (including the City’s UDC).

**APPROVED AND ADOPTED BY CITY COUNCIL, CITY OF BLANCO, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2022.**

CITY OF BLANCO

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Secretary

**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

June 14, 2022

STAFF REPORT: City Administrator and Interim Finance Director

**DESCRIPTION:** It was discovered (by Interim Finance Director Rosie Vela) that the General Fund and Enterprise funds are not “invested” in a professionally managed pool. The fund balance from both Enterprise and General funds are in accounts with the Texas Regional bank receiving about .46% interest annually. Staff requests that Council receive information from Tony Sekaly, Regional Director, Marketing with Texas CLASS on some investment options.

**ANALYSIS:**

Blanco’s 2015 Investment policy states the following:

Objectives of investment activities

The primary objectives, in priority order, of the city's investment activities shall be:

- (1) **Safety.** Safety of principal is the foremost objective of the investment program. Investments of the city shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- (2) **Liquidity.** The city's investment portfolio will remain sufficiently liquid to enable the city to meet all operating requirements, which might be reasonably anticipated.
- (3) **Return on investments.** The city's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the city's investment risk constraints and the cash flow characteristics of the portfolio.

**FISCAL IMPACT:** Could provide additional yield for money not yet being used by the City

**RECOMMENDATION:** Staff’s Recommendation is to review the options and vote on the favored option at the next available council meeting.



# CITY OF BLANCO

## INVESTMENT POLICY

The Public Funds Investment Act, Chapter 2256, Texas Government Code, as Amended ("PFIA" herein), requires each city to adopt rules governing its investment practices and to define the authority of the investment officer. The following Investment Policy addresses the methods, procedures, and practices that must be exercised to ensure effective and judicious fiscal management of the City of Blanco funds.

### I. POLICY

It is the policy of the City of Blanco, Texas (the "City") to invest public funds in a manner, which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all federal, state and local statutes governing the investment of public funds.

### II. SCOPE

This investment policy applies to all the financial assets held by the City. These funds include, but are not limited to:

General Fund	Special Revenue Funds
Debt Service Fund	Capital Projects Funds
Enterprise Funds	Internal Service Funds

Any new funds created by the City will be subject to this policy unless specifically exempted by the City Council. To maximize the effective investment of assets, all funds mentioned above will pool their cash balances for investment purposes. The income derived from investing activities will be distributed to the various funds based on calculation of their average balances.

### III. INVESTMENT OBJECTIVES

The City of Blanco shall manage and invest its cash with three primary objectives, listed in order of priority: **safety, liquidity and yield**. The safety of the principal invested always remains the primary objective.

#### **Safety**

Safety of Principal is the foremost objective of the City. Investments of the City shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

### **Liquidity**

The City's investment portfolio will remain liquid to enable the City to meet all operational requirements that might reasonably be anticipated.

### **Yield**

The City shall invest funds in investments that earn a competitive market yield consistent with stated objectives. For bond proceeds to which arbitrage restrictions apply, the primary objectives shall be to obtain a fair market yield and to minimize the costs associated with the investment of such funds within the constraints of the investment policy and applicable bond covenants.

## **IV. RESPONSIBILITY AND CONTROL**

### **Delegation of Authority**

The Mayor or his Designee is designated the City's Investment Officer. The Investment Officer shall be responsible for the investment of funds consistent with this Policy, and shall have the authority necessary to carry out such responsibilities. An investment committee consisting of the Investment Officer and at least two other staff members designated by the Mayor or his Designee will also be formed. This committee will be responsible for selecting eligible broker/dealers, reviewing, and updating the investment policy annually. All participants in the investment process shall seek to act responsibly as custodians of the public trust.

The Investment Officer shall establish written procedures for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer. The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

### **Cash Flow Analysis**

Supplemental to the financial and budgetary systems, the Investment Officer will maintain a cash flow forecasting process designed to monitor and forecast cash positions for investment purposes. Cash flow analysis will include the historical researching and monitoring of specific cash flow items, payables and receivables as well as overall cash position and patterns.

### **Training Requirement**

In order to ensure the quality and capability of investment management, the Investment Officer shall:

- attend at least one training session within 12 months of assuming duties *and* containing not less than 8 hours of instruction from an independent source approved by the governing board or a designated investment committee;
- receive training which includes education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the PFIA; and
- attend a training session not less than once each state fiscal biennium (beginning on the first day of the fiscal year and consisting of two consecutive fiscal years after that date) and receive not less than 8 hours of training from an independent source approved by the governing board or a designated investment committee.

### **Internal Controls**

The Investment Officer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures. Annually, the City's independent auditors will review quarterly reports for the fiscal year.

### **Prudence**

Investments shall be made with the judgment and care which a person of ordinary prudence, discretion and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

### **Ethics and Conflicts of Interest**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Mayor or his Designee any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City, particularly with regard to the time of purchases and sales. Employees and investment officials shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City.

On an annual basis, the Investment officials shall sign a statement acknowledging that they are in compliance with Section 2256.005 (i) of the Public Funds Investment Act.

## V. SUITABLE AND AUTHORIZED INVESTMENTS

### Portfolio Management

The City currently has a "buy and hold" portfolio strategy. Maturity dates are matched with cash flow requirements and investments are purchased with the intent to be held until maturity.

### Investments

Acceptable investments under this policy shall be limited to the instruments as described by the Government Code; Chapter 2256, Sections 2256.009 through 2256.011 and Sections 2256.013 through 2256.016 of the Public Funds Investment Act. Investment of funds in any instrument or security not authorized for investment under the Act is prohibited.

- Authorized

1. Direct obligations of the United States government: U.S. Treasury Bills, U.S. Treasury Notes, and U.S. Treasury Bonds as well as Bonds or other interest bearing obligations for which the principal and interest are guaranteed by the full faith and credit of the United States government and rated not less than A or its equivalent by at least one nationally recognized investment rating firm.
2. Federal Agencies and Instrumentalities including but not limited to, discount notes, callables and debentures of the Federal National Mortgage Association (FNMA), the Federal Home Loan Bank (FHLB), the Federal Farm Credit Bank (FFCB), and the Federal Home Loan Mortgage Corporation (FHLMC).
3. Time Certificates of Deposit, insured by the Federal Deposit Insurance Corporation (FDIC) or its successor, or the National Credit Union Share Insurance Fund or its successor, in state or national banks. Any deposits exceeding FDIC insurance limits shall be collateralized at 102% of the face amount of the Certificate of Deposit by securities listed in 1 - 2 above and held by the City's custodial bank or the custodial bank of the institution the CD's are held. Bids for Certificates of Deposit may be solicited orally, in writing, electronically or using any combination of these methods.
4. Repurchase Agreements with a defined termination date of 90 days or less collateralized by a combination of cash and securities listed in 1 - 2 above. Collateral must have a minimum market value of 102% of the repurchase agreement, and must be held by the custodian bank or other independent third-party custodian contracted by the City. Bond proceeds may be invested in flexible repurchase agreements with maturity dates not exceeding the expected final project expenditure if a formal bidding process is followed and properly documented for IRS purposes.

5. Commercial Paper maturing within 180 days carrying a minimum rating not less than A-1 or P-1 or equivalent by two nationally recognized rating agencies, or; rated not less than A-1 or P-1 equivalent by one nationally recognized rating agency plus secured by an irrevocable letter of credit issued by a domestic bank.
6. AAA-rated Money Market Mutual Funds registered with the Securities and Exchange Commission that invest exclusively in investments described in this section.
7. AAA-rated Investment Pools organized under the Texas Interlocal Cooperation Act that follow the requirements in the Public Funds Investment Act and which have been specifically approved by the City.

- **Not Authorized**

The following security types are not permitted:

1. Obligations whose payment represents the coupon payments of the underlying mortgage-backed security collateral and pays no principal (IO's);
2. Obligations whose payment represents the principle stream from the underlying mortgage-backed security collateral and bears no interest (PO's);
3. Collateralized Mortgage Obligations (CMO's) that have a stated final maturity date of greater than 10 years; and
4. Any security, the interest rate of which is determined by an index that adjusts opposite to the changes in the Market index (inverse floaters).

**Exemption for Existing Investments**

Any investment, which was authorized at the time of purchase or is currently owned at the date of the adoption of this Investment Policy, shall not be required to be liquidated.

**Loss of Required Rating**

If any security that requires a minimum investment rating is downgraded below that minimum rating subsequent to purchase, it will no longer be considered an authorized investment. As a result, the City shall take all prudent measures to liquidate the security in effort to preclude or reduce principle loss. The City will select a different approved broker/dealer each quarter to verify the ratings of securities held.???? Local Government Pools ratings will be verified quarterly by checking their websites.

## VI. INVESTMENT PARAMETERS

### Maximum Maturities

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five years from the date of purchase. Additionally, the City will maintain a dollar-weighted average maturity of two years or less.

### Diversification

It is the intent of the City to diversify the investment instruments within the portfolio to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities. The asset allocation in the portfolio should be flexible depending upon the outlook for the economy and the securities markets. If conditions warrant, the guidelines below may be exceeded by approval of the Investment Committee.

With the exception of U.S. Treasury securities, authorized pools, and the City's depository accounts, the City may not invest more than 30% of the City's investment portfolio with a single financial institution. In addition, the following maximum limits, by instrument, are established for the City's total portfolio:

1. U.S. Treasury Securities	100%
2. Agencies and Instrumentalities	70%
3. Certificates of Deposits	100%%
4. Money Market Mutual Funds	30%
5. Repurchase Agreements	20%
6. Commercial Paper	20%
7. Authorized Pools	70%

## VII. FINANCIAL INSTITUTIONS AND DEALERS

### Depository

At least every three to five years a Depository shall be selected through the City's banking services procurement process, which shall include a formal request for application (RFA). The selection of a depository will be determined by competitive bid and evaluation of bids will be based on the following selection criteria:

- The ability to qualify as a depository for public funds in accordance with state and local laws.
- The ability to provide requested information or financial statements for the period specified.

- The ability to meet all requirements in the banking RFA.
- Complete response to all required items on the bid form.
- Lowest net banking service cost, consistent with the ability to provide an appropriate level of service.
- The credit worthiness and financial stability of the bank.

The bank depository contract is subject to Council approval. During the term of the contract, additional accounts may be established. The City may open a cash money market account with its approved depository bank. Accounts held by the approved bank are to be collateralized at no less than 105%. Two authorized signers on the City's accounts must approve the establishment of new accounts.

### **Authorized Brokers/Dealers**

The Investment Officer may maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services in the State of Texas. These may include "primary" or regional dealers that qualify under SEC rule 15C3-1. No public deposit shall be made except in a qualified public depository as established by state laws.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Investment Officer with a completed Broker/Dealer Questionnaire and Certification, which shall include the following:

- An audited financial statement for the most recent period.
- Proof of certification by the Financial Industry Regulatory Authority (FINRA).
- Proof of current registration with the State Securities Commission.

Financial institutions eligible to transact investment business with the City shall be presented a written copy of this Investment Policy.

Additionally, the qualified representative of the business organization seeking to transact investment business shall execute a written instrument substantially to the effect that the qualified representative has received and reviewed this Investment Policy, and acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities with the City.

The City will not enter into an investment transaction with a Broker/Dealer prior to receiving the written agreement described above and current audited financial statements.

Annually, the Investment Committee shall review and revise the list as needed. The Committee will consider any new firms that have submitted the required documentation and review the performance of the previously approved firms. Any modifications to the list will be submitted to Council for their review, approval and adoption.

**NEW BUSINESS**

**ITEM #2**



**NEW BUSINESS**

**ITEM #3**



# City of Blanco

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

June 14, 2022

**STAFF REPORT: Bulk Water**

**DESCRIPTION:** Bulk Water is charged to users at a rate of \$25 per 1,000 gallons regardless of the location of the user. There are three users that have a meter and hydrant but most come in sporadically.

**ANALYSIS:** In late May the City Administrator made a decision to allow Bulk water to be provided only from 8AM to 10AM Mon-Thursday because previously we gave out keys our City Yard facility. Administration is concerned that a lack of staff supervision could cause safety concerns at our facility from both the site and water contamination.

**FISCAL IMPACT:** The loss of some users could cost the City money but could aid in Water Conservation

**RECOMMENDATION:** Review the policy and advise Staff

**NEW BUSINESS**

**ITEM #4**

**RESOLUTION NO. 2022-R-0xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLANCO, TEXAS, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE COMMUNITY-ORIENTED POLICING SERVICES (COPS) AND DESIGNATING AN AUTHORIZED OFFICIAL.**

**WHEREAS**, the City Council of the City of Blanco, Texas, finds it in the best interest of the citizens of Blanco, Texas, to submit a grant application to the U.S. Department of Justice for a COPS Grant funding for two (2) full-time officers to be utilized as members of the City of Blanco Police Department; and

**WHEREAS**, the City Council of the City of Blanco, Texas, is fully eligible to receive assistance; and

**WHEREAS**, the City agrees the U.S. Department of Justice – COPS Grant is for three years with matching funds estimated at \$ 168,998.00; and

**WHEREAS**, the City commits to retain and fund personnel for at least one year (12 months) after the end of the 3-year grant period; and

**WHEREAS**, the City Council of the City of Blanco, Texas, agrees that in the event of loss or misuse of the funds, the funds will be returned to the U.S. Department of Justice in full; and

**WHEREAS**, the City Council of the City of Blanco, Texas, hereby designates the Blanco City Manager as the grantee's authorized official who is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLANCO, TEXAS**, that the submission of the grant application to the U.S. Department of Justice-COPS as stated herein is hereby authorized.

**PASSED AND APPROVED** this the 14<sup>th</sup> day of June, 2022.

THE CITY OF BLANCO, TEXAS

\_\_\_\_\_  
Rachel Lumpee, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Cassidy, City Secretary