

PROCLAMATION 1

**A PROCLAMATION
AUTHORIZING RECOGNITION OF SEPTEMBER AS
CITY OF BLANCO PREPAREDNESS MONTH**

WHEREAS, the State of Texas historically leads the nation in the number of federally declared disasters, be they natural hazards, technological, or human-caused; and,

WHEREAS, Preparedness Month is an opportunity for the City of Blanco to inform and educate the residents, businesses, and schools in the City of Blanco to be more prepared by developing the capabilities needed to prevent, protect against, respond to, recover from, and mitigate against all threats and hazards and,

WHEREAS, preparedness is a national priority with the goal of shared safety and resilience; and

WHEREAS, it is important for all City of Blanco residents, businesses, schools, and organizations to develop emergency plans; and

WHEREAS, personal, business, and private-sector preparedness may serve to mitigate the impacts of various incidents, emergencies, and disasters in the City of Blanco area; and

WHEREAS, all City of Blanco residents are encouraged to make emergency planning and preparedness a top priority in their homes, offices, and neighborhoods.

WHEREAS, promoting emergency preparedness in our families, workplaces, and schools can help minimize both physical and economic damage throughout City of Blanco should a disaster occur; and

WHEREAS, the City of Blanco encourages all residents to participate in preparedness activities and are asked to review preparedness information at [Ready.gov](https://www.ready.gov), and to sign up to receive emergency alerts via Reverse 911 to become more knowledgeable and prepared;

NOW THEREFORE I, Rachel Lumpee, as Mayor of the City of Blanco, do hereby proclaim the month of September 2022 as

PREPAREDNESS MONTH

in the City of Blanco, Texas, and encourage all residents, businesses, and schools, to develop their own emergency preparedness and resiliency plans, thereby creating a safer and more prepared City of Blanco.

Rachel Lumpee, Mayor

HEARING

**Appeal of Vested Rights Determination
Vapor Genius**

ORDINANCE NO. 2022-O-003

AN ORDINANCE ESTABLISHING CERTAIN LOCATION RESTRICTIONS UPON THE SALE OF ADULT-ORIENTED PRODUCTS OR SERVICES, INCLUDING CERTAIN TOBACCO PRODUCTS, ELECTRONIC SMOKING DEVICES AND RELATED ACCESSORIES, AND PROVIDING FOR FINES AND OTHER PENALTIES, AND ENFORCEMENT BY ABATEMENT AND INJUNCTIVE RELIEF

WHEREAS, since 2014, e-cigarettes have been the most commonly used tobacco product among U.S. youths; in 2020, an estimated 3.6 million (13.1%) U.S. middle and high school students reported using e-cigarettes within the past 30 days (current use); and more than 80% of current users reported flavored e-cigarette use;

WHEREAS, in 2021, 11.3% of high school students (1.72 million) and 2.8% (320,000) of middle school students reported current e-cigarette use; among current e-cigarette users, 43.6% of high school students and 17.2% of middle school students reported using e-cigarettes on ≥ 20 of the past 30 days; with daily use at 27.6% among current high school e-cigarette users and 8.3% among current middle school e-cigarette users;

WHEREAS, approximately 2.06 million youths were estimated to be current e-cigarette users in 2021, and use of any tobacco products by youths in any form, including e-cigarettes, is unsafe and highly addictive, because tobacco products and most e-cigarettes contain nicotine, and nicotine exposure during adolescence can harm the developing brain;

WHEREAS, ongoing efforts to address youth e-cigarette use, including FDA's prioritized enforcement against certain unauthorized flavored, cartridge-based e-cigarettes in 2020, are critical, especially inasmuch as the tobacco product landscape continues to evolve, sustained implementation of comprehensive tobacco control and prevention strategies at the national, state, and local levels, coupled with FDA regulation, can reduce and prevent tobacco product initiation and use among youths;

WHEREAS, the foregoing facts are well established and enumerated in numerous studies and reports, as detailed in *E-Cigarette Use Among Middle and High School Students — National Youth Tobacco Survey*, Centers for Disease Control & Prevention (CDC), United States, October 2021;

WHEREAS, the City of Blanco wishes to respond to and support all such efforts to prevent tobacco, nicotine and e-cigarette usage generally, but especially among youth;

WHEREAS, the City has determined that adopting reasonable restrictions within the City to reduce exposure and use of these products generally, and especially among youth, are reasonably related to a recognized and legitimate public health and safety purpose; and

WHEREAS, the City is mindful and has considered that any such restrictions must be carefully and narrowly drawn so as to not improperly interfere with the rights of third parties, including any such rights to free speech and association;

THEREFORE, in consideration of these premises, BE IT ORDAINED that the City Council of the City of Blanco hereby adopts the following ordinance:

- a) The sale or provision of adult-oriented business products or services in any location described herein, including but not limited to:
 - 1) a retail store used primarily and substantially for the sale of tobacco products and/or other products that contain nicotine, electronic smoking devices, and/or related accessories, in which the sale of other non-tobacco products is incidental, including vape shops or other establishments that sell electronic smoking devices; or**
 - 2) a retail store that either devotes 25 percent or more of floor area or display area to, or derives 50 percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or other products that contain nicotine, electronic smoking devices, and/or related accessories;****

is prohibited within 750 feet of a church, school, public park, daycare center, playground, or residential district.

- b) Any retail store location described in paragraph a) above shall be located not less than one-half mile of any such other retail store location that meets the same criteria.**
- c) The measurement of the distance between the location where the sale of such products or services are sold, and the church, school, public park, daycare center, playground, or residential district, or another location where such products or services are sold, shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.**
- d) Any retail stores or businesses that meet the criteria described hereinabove in paragraph a) are restricted to commercial zoned property, with special use permit (SUP), pursuant to Chapter 4 of the City's Unified Development Code (UDC). Accordingly, such restricted use shall be added to and listed in Table 4.2 of the City's UDC. Any special use permit issued pursuant to the procedures of the City's UDC shall operate as a variance described under paragraph e) of this ordinance.**
- e) The City, upon recommendation of its Planning & Zoning Commission, and approval of the City Council, may grant a variance to this regulation upon a determination that enforcement in the specific instance is not in the best interest of the public, does not serve its intended purpose, is not effective or necessary, or for any other reason, all after consideration of the health, safety, and welfare of youth and the general public, and the equities of the situation, as determined in the best interest of the community.**

Any variance granted under this provision of this ordinance shall be deemed a special use permit granted under Chapter 4 of the City's UDC.

- f) The foregoing provisions of this ordinance are severable. Accordingly, if for any reason one or more provisions of this ordinance is deemed or ordered invalid, null, void, or of no effect, the remaining provisions shall remain in full force and effect.
- g) Enforcement.
 - 1) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall constitute a violation of this ordinance.
 - 2) Any violation of this ordinance is hereby declared as a public nuisance.
 - 3) This ordinance may be enforced in accordance with Section 1.01.009 of the City's Code of Ordinances.
 - 4) In addition to other remedies provided by this ordinance, the City's Code, UDC, or by other law, any violation of this ordinance may be remedied by a civil action brought by the City, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. The remedies provided herein are cumulative and in addition to any other remedies available at law or in equity.
- h) This ordinance shall be effective immediately upon the date of adoption.

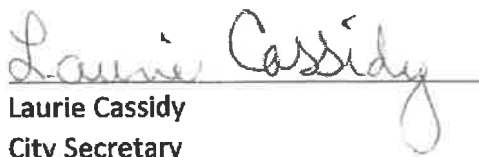
ADOPTED THE 14th DAY OF FEBRUARY 2022.

CERTIFIED BY MY HAND:



Rachel Lumpee
Mayor

ATTEST:


Laurie Cassidy
City Secretary



BRAUN & GRESHAM
ATTORNEYS AT LAW

June 21, 2022

Via E-Mail: cityadmin@cityofblancotx.gov

Warren Escovy
City of Blanco
300 Pecan Street
Blanco, TX 78606

Re: Request for Vested Rights Determination


Dear Mr. Escovy:

My firm represents Mr. Paul Dunn, the owner-operator of Vapor Genius, a well-known vape and smoke shop in the Central Texas area. The purpose of this letter is to provide the City of Blanco with Mr. Dunn's application for a vested rights determination for the ongoing project at 48 Main Street in the City of Blanco. On November 29, 2021, Mr. Dunn submitted a commercial building permit application to finish out and remodel the existing building located at 48 Main Street, Suite B, Blanco, Texas. The project name listed under that permit is "Vapor Genius" and it was ultimately approved by the City of Blanco on January 5, 2022, under Permit No. 0152022.

Pursuant to Sec. 4.14 of the City of Blanco Code of Ordinances, Mr. Dunn is applying for a vested rights determination based on the building permit filing date of November 29, 2021. We have inquired with City Staff to request the form necessary to make such an application for recognition of vested rights; however they have stated that no such form exists. Accordingly, this letter represents Mr. Dunn's formal submittal of his application for a vested rights determination; the requisite permit application review fee of \$250 will arrive by check to your office in the mail.

Mr. Dunn is seeking a determination of his vested rights under Chapter 245 of the Texas Local Government Code for his building permit in order to be able to continue his project solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time of the filing date for "48 Main" – Permit No. 0152022. To that effect, if there is any other information that is required at this time, please let us know.

Sincerely,



Carly Barton
Attorney & Counselor



City of Blanco

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

July 11, 2022

VIA EMAIL @ cbarton@braunqresham.com
& FIRST-CLASS MAIL

Carly Barton, Esq.
Attorney & Counselor
Braun & Gresham
P. O. Box 1148
Dripping Springs, TX 78620

Re: Request for Determination of Vested Rights; "48 Main"—Permit No. 0152022

Dear Ms. Barton:

I am writing in response to your request for determination of vested rights, by your letter dated June 21, 2022. The related review fee of \$250 was received thereafter. After review and consulting with the City Attorney, City staff has determined that no vested rights exist in relation to City Ordinance No. 2022-O-003 (the "Ordinance"). We make this determination on two grounds: 1) the Ordinance is exempt from the provisions of Chapter 245 under Section 245.004 thereof; and alternately, 2) the permit application and related project information did not provide "fair notice" to the City under Chapter 245.

You may appeal this decision directly to City Council, as described in Section 4.14 of the City's Code of Ordinances. Alternately, the Ordinance specifically provides for a variance process. In any event, City staff would welcome the opportunity to discuss and possibly resolve this matter by agreement.

Please feel free to contact me at any time with questions or concerns.

Sincerely,

Warren Escovy
City Administrator

cc: Tim Tuggey, City Attorney (*via email*)

BRAUN & GRESHAM
ATTORNEYS AT LAW

July 26, 2022

**Via CERTIFIED MAIL: RRR: 7022 0410 0001 6702 7845 and
Via E-Mail:**

cityadmin@cityofblancotx.gov;
citysec@cityofblancotx.gov; and
tnt@timtuggeylaw.com

Blanco City Council
300 Pecan Street
Blanco, TX 78606

Re: Appeal of Vested Rights Determination

Dear Blanco City Council:

Our client, Mr. Paul Dunn, is the owner-operator of Vapor Genius, a well-known vape and smoke shop in the Central Texas area. On November 29, 2021, Mr. Dunn submitted a commercial building permit application to finish out and remodel the existing building located at 48 Main Street, Suite B, in the City of Blanco (the "City"). The project name listed under that permit was "Vapor Genius" and it was ultimately approved by the City of Blanco on January 5, 2022, under Permit No. 0152022 (the "Permit"). Based on the Permit that Mr. Dunn received, Mr. Dunn spent a substantial amount of money getting the property ready for use as a retail outlet for Vapor Genius.

On February 14, 2022, the Blanco City Council adopted Ordinance No. 2022-O-003 (the "Ordinance"), which added stores that sell tobacco and vapor products to the list of "adult-oriented" businesses. Based on multiple conversations with your staff, the City seems intent on enforcing this ordinance against Vapor Genius, despite the clear fact that the Permit was filed for and approved prior to the City's adoption of the Ordinance.

Reclassification of Mr. Dunn's property as an adult-oriented business will require Mr. Dunn to restart the permitting process from scratch and seek a variance, in order to develop a site plan consistent with the requirements of a special use permit and to also go through a costly, multi-level public hearing process. ***This type of action is the very reason the state legislature adopted Chapter 245 to protect landowners who go through a City's permitting process in good faith, only to have their projects stripped out from under their feet at the last minute.***

"The effect of vested rights under Chapter 245 of the Local Government Code is to 'freeze' the land use regulations as they existed at the time the first permit application was filed through completion of the 'project;' in other words, a project with vested rights is not subject to intervening regulations or changes after the vesting date." *City of San Antonio*

v. Rogers Shavano Ranch, Ltd., 383 S.W.3d 234, 245 (Tex. App.—San Antonio 2012, pet. denied). Chapter 245 of the Local Government Code creates a system by which property developers can rely on a municipality's land-use regulations in effect at the time the original application for a permit had been filed. *Vill. of Tiki Island v. Premier Tierra Holdings, Inc. (Tiki Island I)*, 464 S.W.3d 435, 439 (Tex. App.—Houston [14th Dist.] 2015, no pet.). The protections of Chapter 245 also apply to municipal ordinances and to fair notice provisions that operate to impose additional requirements in order for development rights to vest. *City of San Antonio v. Greater San Antonio Builders Ass'n*, 419 S.W.3d 597, 603 (Tex. App.—San Antonio 2013, pet. denied)

In an effort to preserve Mr. Dunn's rights under his Permit, on July 21, 2022, Mr. Dunn sought a vested rights determination under Texas Local Government Code 245 and Blanco City Code of Ordinances, Chapter 9 Planning and Development Regulations, Section 4.14. In response to this request, the City Attorney decided that no vested rights existed because the Ordinance is exempted from § 245.004 or alternatively, Vapor Genius' Permit did not provide "fair notice" of the project.

Mr. Dunn appeals this decision for the following reasons:

1. *The Blanco Tobacco and Vapor Ordinance is not exempt under § 245.004 because it changes Mr. Dunn's property classification and the type of development permitted.*

Under 245.004(2), the Vested Rights Chapter does not apply to municipal zoning regulations that do not affect *landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by a municipality*. While this double negative is certainly confusing, the bottom line is clear. Property classifications and changes to types of permitted development are the kinds of projects from which development rights will vest.

The Blanco Tobacco and Vapor Ordinance changes Mr. Dunn's property classification because it requires Mr. Dunn to obtain a Special Use Permit to operate a vape shop based on the new classification of an "adult-oriented" business. Before its passage, no such requirement was necessary. Reclassification of properties in this nature is expressly prohibited under Sec. 245.004(2) of the Texas Local Government Code and violates the permitting process laid out in Sec. 245.002

In a case very similar to Mr. Dunn's, the Fort Worth Court of Appeals decided that the City of Frisco's change in their ordinance to prevent "Package Sales" of alcohol within 300 feet of a public school was not exempt under § 245.004(2). The permittee in that case had submitted and received approval, under the Frisco's zoning ordinance, to construct a convenience store and sell alcoholic beverages, which had been a permissible land use.

Subsequently, the City of Frisco adopted a series of ordinances that had the effect of prohibiting the convenient store from being constructed due to the store's proximity to a public school. The Fort Worth Court of Appeals determined that a municipal ordinance imposing a distance restriction on a land use—such as alcohol sales—was an “affect” to a “property classification” for the purposes of Ch. 245. The imposition of greater restrictions than had been in effect at the time of the filing of a permit was squarely within the purview of Chapter 245. “Having determined that a property's classification pertains to the larger district in which it is zoned...” the “imposing [of] additional restrictions on alcohol sales that had not been imposed” previously did not preclude Chapter 245 claims. *FLCT, Ltd. v. City of Frisco*, 493 S.W.3d 238, 269 (Tex. App.—Fort Worth 2016, pet. denied).

2. *The City of Blanco had “fair notice” of the Vapor Genius project.*

When Mr. Dunn submitted his “Commercial Building Permit Application” to remodel 48 Main Street, he listed “Vapor Genius” as the project name. Additionally, the site plans submitted as part of the application also noted “Vapor Genius” on them. The City then reviewed Mr. Dunn’s application and approved it. Mr. Dunn has never hidden the name or kind of business from the City of Blanco. Moreover, there was no formal “fair notice” application or process proscribed by the City that Mr. Dunn failed to comply with, and even if there were, the weight of case law suggests the illegality of such a requirement, being an additional restriction for the vesting of a development right.

On February 14, 2022, the City of Blanco had on its agenda for “consideration, discussion, and take action on approval of Ordinance 2022-O-003 Establishing Certain Location Restrictions Upon the Sale of Adult Oriented Product or Services.” The following is from the official minutes:

First, during Public Comment:

- Laurie Cassidy, City Secretary, read comments from multiple Blanco residents regarding their concerns over the opening of a vape store in Blanco near the Methodist Church (Vapor Genius, 48 Main Street).

Then, from the vote:

3. **Consideration, Discussion, and Take Action on Approval of Ordinance 2022-O-003 Establishing Certain Location Restrictions Upon the Sale of Adult-Oriented Products or Services (Warren Escovy).** Warren spoke saying the only permit pulled at this time was for a remodel. No one has pulled a permit to open any type of business referenced in this ordinance. Attorney Tuggey spoke saying he slightly revised heading, and added statutory language, effective immediately upon passing of ordinance. All referenced language, done by CDC, the most narrow, reasonable rights of City and residents. This ordinance pertaining to the primary business purpose, convenience stores are not affected. Display area includes entire store. Mayor Pro-Tem Saucedo asked about City liability. **A motion was made by Council Member Smith to approve Ordinance No. 2022-O-003 Establishing Certain Location Restriction Upon the Sale of Adult-Oriented Products or Services, with modification to section a)2) to read "Is prohibited within 750 feet of a church, school, public park, daycare center, playground, or residential district", seconded by Council Member Divine, all in favor, motion carried 4-1 with Mayor Pro-Tem Saucedo opposed.**

Clearly, Blanco City Council was aware of Vapor Genius and its use before passing the ordinance. Multiple residents expressed concerns over the opening of Vapor Genius specifically during Public Comment. Then, when the Ordinance was taken up, Mr. Warren Escovy noted that there had already been a permit pulled for a remodel, which referred to Vapor Genius.

Courts have consistently held that preliminary applications, as well as subsequent applications or permits related to the original project, are only required to give fair notice that the project included uses consistent with the permissible uses which it sought its permit for.¹ In other words, as long as the project still falls under the original permit under the applicable land-use regulations at the time, the city has fair notice. "It is this identification of the contemplated development as "commercial" in nature that defines the nature and scope of the "project," not narrower descriptive terms or labels that all parties agree had no legal effect at the time. *Harper Park Two, LP v. City of Austin*, 359 S.W.3d 247, 257 (Tex. App.—Austin 2011, pet. denied)

Ultimately, the City Council has two options – it can acknowledge that Mr. Dunn has vested rights under his building permit to continue his project, Vapor Genius, and not have to comply with the Tobacco and Vapor Ordinance, or it can continue on this misguided and clearly illegal path, inviting further litigation. Under § 245.006, Mr. Dunn

¹ *Harper Park Two, LP v. City of Austin*, 359 S.W.3d 247, 257 (Tex. App.—Austin 2011, pet. denied); *FLCT, Ltd. v. City of Frisco*, 493 S.W.3d 238, 270 (Tex. App.—Fort Worth 2016, pet. denied); *City of San Antonio v. Rogers Shavano Ranch, Ltd.*, 383 S.W.3d 234, 246 (Tex. App.—San Antonio 2012, pet. denied)

may protect his vested rights by suing the City of Blanco “through mandamus or declaratory or injunctive relief” of which the City is not immune from lawsuit. Furthermore, the Court can award, and Mr. Dunn will be seeking, court costs and reasonable and necessary attorney's fees from any lawsuit that the City forces Mr. Dunn to pursue.

There is still an opportunity for the City to avoid needless waste of taxpayer funds by fighting a legal battle involving a textbook Ch. 245 case. We hope that the City will see the error in its ways and will not continue to illegally and wrongfully enforce its Tobacco and Vapor Ordinance against my client.

Sincerely,



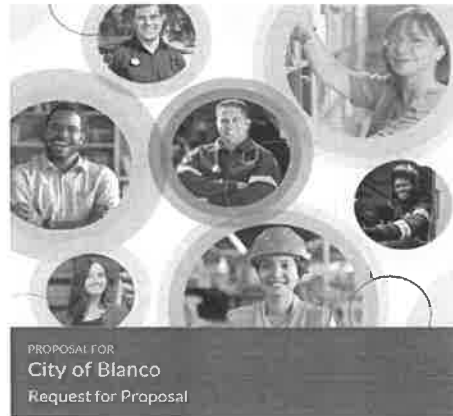
Carly Barton
Attorney & Counselor

CC: Blanco City Attorney, Tim Tuggey,
Blanco City Administrator, Warren Escovy
Blanco City Secretary, Laurie Cassidy
Paul Dunn
Eric L. Gomez

NEW BUSINESS

ITEM #1

2022-2023 Insurance Plan



TML Health, Dental, Vision, Life & AD&D

1

Current Plan

Name	Humana	Dental Select	Vision	Amwin	Guardian	
Cardenas, Amanda	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Cassidy, Laurie	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Currie, Teresa	\$ 749.05	\$ 35.13	\$ -	\$ 36.76	\$ 4.73	
Escovy, Warren	\$ 1,498.10	\$ 96.34	\$ 15.63	\$ 65.58	\$ 4.73	
Gamez, Olga	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 3.07	
Gonzalez, Marcus	\$ -	\$ -	\$ -	\$ -	\$ 4.73	
Hartman, Haylee	\$ 749.05	\$ 137.24	\$ 7.88	\$ 36.76	\$ 4.73	
McMain, Victoria	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Nies, Robin	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Rice, Zachary	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Ricks, Sasha	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Rodriguez, Ysidro	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 30.71	
Rubin, Scott	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Salazar, Jamine	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Smith, Austin	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Thornhill, Jerry	\$ 749.05	\$ 137.24	\$ 14.86	\$ 36.76	\$ 30.71	
Warrick, Brynn	\$ 749.05	\$ 35.13	\$ 7.88	\$ 36.76	\$ 4.73	
Total	\$ 12,733.85	\$ 827.51	\$ 132.93	\$ 616.98	\$ 130.71	\$ 14,441.98
Total Per Year	\$ 152,806.20	\$ 9,930.12	\$ 1,595.16	\$ 7,403.76	\$ 1,568.52	\$ 173,303.76

2

TML Health

Name	Current - Health & Gap	12% increase	Copay 1K-5K ER	Copay 2K-4K ER	Copay 2K-6K ER	Copay 3K-7K ER	
Family	\$ 2,337.27	\$ 2,617.74	\$ 2,329.64	\$ 2,196.60	\$ 2,104.18	\$ 1,935.28	
EE/SP	\$ 1,563.68	\$ 1,751.32	\$ 1,603.12	\$ 1,511.56	\$ 1,447.98	\$ 1,331.74	
Cardenas, Amanda	EE	\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Cassidy, Laurie		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Currie, Teresa		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Escovy, Warren	EE/CH	\$ 1,563.68	\$ 1,751.32	\$ 1,389.92	\$ 1,310.52	\$ 1,255.38	\$ 1,154.62
Gamez, Olga		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Gonzalez, Marcus		\$ -	\$ -				
Hartman, Haylee		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
McMain, Victoria		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Nies, Robin		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Rice, Zachary		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Ricks, Sasha		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Rodriguez, Ysidro		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Rubin, Scott		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Salazar, Jamine		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Smith, Austin		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Thornhill, Jerry		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Warrick, Brynn		\$ 785.81	\$ 880.11	\$ 789.72	\$ 744.60	\$ 713.28	\$ 656.04
Total	TOTAL	\$ 13,350.83	\$ 14,952.93	\$ 13,235.72	\$ 12,479.52	\$ 11,954.58	\$ 10,995.22
Total Per Year	Split Plans/Difference/Savings		\$ (1,717.21)	\$ (2,473.41)	\$ (2,988.35)	\$ (3,957.71)	

3

Per Month (this calculation is base off current amount with no increase)

\$ 14,441.98	Current	Health + Gap + Dental + Vision + life	(2021-2022)
\$ 13,080.04	TML	TML + TML Dental + TML Vision + TML Life	(2022-2023)
\$ (1,361.94)	Savings		

Per Year

\$173,303.76 Current Coverage (Yearly Charge)
\$156,960.48 TML Yearly Charge
\$116,345.26 Savings

4

Copay-2K-4K ER Plan

EE Rate \$744.60
City Paid

EE/SP Rate \$1511.56
Per Pay Period \$353.98

EE/Ch Rate \$1310.52
Per Pay Period \$261.19

EE/FAM Rate \$2196.60
Per Pay Period \$670.15

Single Plans

Copay-2K-4K ER	
	Rate
EE Only	\$744.60
EE - Spouse	\$1,511.56
EE - Child(ren)	\$1,310.52
EE - Family	\$2,196.60
Plan Features	
What You Will Pay	
Coinurance - In-Network	20%
Coinurance - Out-of-Network	50%
Deductible - In-Network	\$2,000 Individual \$4,000 Family
Deductible - Out-of-Network	\$4,000 Individual \$8,000 Family
Out-of-Pocket - In-Network	\$4,000 Individual \$8,000 Family
Out-of-Pocket - Out-of-Network	Unlimited
Office Visits	
Primary Care	\$50 Copay
Specialist	\$60 Copay
Urgent Care Visit	\$75 Copay
Emergency Room	
Facility Charges	\$500 Copay
Physicians Charges	20% after deductible
Telehealth	\$0 Copay
Prescriptions Drug Plan	
Disease Mgmt Maintenance (generic)	\$0 copay
Tier 1	\$10 copay
Tier 2	\$45 copay
Tier 3	\$90 copay
Tier 4	\$150 copay
Tier 5	\$175 copay

5

Dental	Current - Dental Select	12% Increase	Dental Plan III (100%)	Dental Plan IV (100%)	Dental Plan IV (Voluntary)	Premier Plan PPO
EE	\$ 35.13	\$ 39.35	\$ 37.64	\$ 28.44	\$ 35.06	\$ 50.73
EE/SP	\$ 88.86	\$ 99.52	\$ 77.26	\$ 66.82	\$ 82.44	\$ 152.15
EE/CH	\$ 96.34	\$ 107.90	\$ 81.22	\$ 61.10	\$ 75.40	\$ 126.79
Family	\$ 137.24	\$ 153.71	\$ 115.54	\$ 85.24	\$ 105.22	\$ 192.71
TOTAL	\$ 357.57	\$ 400.48	\$ 311.66	\$ 241.60	\$ 298.12	\$ 522.38
			\$ (88.82)	\$ (158.88)	\$ (102.36)	\$ 121.90

TML Dental

6

TML Dental Plan

EE Rate \$34.64
City Paid
EE/SP Rate \$77.26
Per Pay Period \$18.29
EE/CH Rate \$81.22
Per Pay Period \$20.11
EE/FM Rate \$115.54
Per Pay Period \$35.95

Dental Plan III

Active Employee	100% Participation Rate
EE - Cash	\$17.84
EE - Spouse	\$77.26
EE - Child(ren)	\$81.22
EE - Family	\$115.54
Plan Features	What You Will Pay
Deductible	
Tier 1	\$0
Tier 2 & 3 (Combined)	\$10
Tier 4 - Orthodontia	\$50 (Lifetime Deductible)
Benefit Percentage	
Tier 1	No Charge
Tier 2	20% after deductible
Tier 3	50% after deductible
Tier 4 - Orthodontia	50% after deductible
Maximum Benefit	
Tier 1, 2 & 3 (Annual)	\$2,000
Tier 4 (Lifetime)	\$3,000
Dental Network	
BlueCare Dental Network	✓

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Vision	Current - Vision Select	12% Increase	Standard (100%)	Standard (Voluntary)	Premium (100%)	Premium (Voluntary)	Perferred Plan
EE	\$ 7.88	\$ 8.83	\$ 6.16	\$ 7.22	\$ 8.94	\$ 10.48	\$ 15.98
EE/SP	\$ 14.86	\$ 16.64	\$ 11.70	\$ 13.72	\$ 16.98	\$ 19.90	\$ 47.91
EE/CH	\$ 15.63	\$ 17.51	\$ 12.32	\$ 14.44	\$ 17.86	\$ 20.94	\$ 39.92
Family	\$ 23.50	\$ 26.32	\$ 15.72	\$ 18.40	\$ 22.78	\$ 26.72	\$ 60.68
TOTAL	\$ 61.87	\$ 69.29	\$ 45.90	\$ 53.78	\$ 66.56	\$ 78.04	\$ 164.49
			\$ (23.39)	\$ (15.51)	\$ (2.73)	\$ 8.75	\$ 95.20

TML Vision

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Vision Plan - EyeMed

EE Rate \$8.94
 City Paid
 EE/SP Rate \$16.98
 Per Pay Period \$3.71
 EE/CH Rate \$17.86
 Per Pay Period \$4.12
 EE/FM Rate \$22.78
 Per Pay Period \$6.39

Premium Plan	100% Participation
	Rate
EE Only	\$8.94
EE - Spouse	\$16.98
EE - Child(ren)	\$17.86
EE - Family	\$22.78
Plan Features	What you will pay
Annual Eye Exam	In-Network: \$0 Copay
Frames	In-Network: \$225 allowance, 20% off balance over \$225
Contact Lenses (Medically Necessary)	In-Network: Covered in full

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TML Life & AD&D

Current Life is \$15,000 per EE
 \$78.75

Current AD&D (only 2 EE)
 \$51.96

TML Life \$50,000 per EE
 \$184.30

TML AD&D \$50,000 per EE
 \$38.00 for all employees
 (increase per EE enrollment)

Basic Life and AD&D

Coverage Amount:	\$50,000		
	Rate per \$1,000	Estimated Volume	Monthly Contribution
Monthly Life Rate	\$0.194	\$950,000	\$184.30
Monthly AD&D	\$0.040	\$950,000	\$38.00

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TML additional benefits at no cost

TML Well

TML Health partners with Navigate, Catapult Health, and Wondr Health, formerly Naturally Slim, to offer all Member Groups two wellness programs at no extra charge, including:

- Virtual preventive health screenings
- Onsite and offsite flu vaccines
- Wondr Health Weight Management Program
- A \$150 employee incentive for participating in healthy activities



Diabetes Management with Livongo®

We are excited to offer our Members an end-to-end diabetes management solution, Livongo. It combines the use of a connected glucose meter with personal support by Certified Diabetes Educators to help your employees manage their diabetes so they can feel better and be healthier.



Navigate  Catapult  Well onTarget  wondr HEALTH 

TML Well offers individual and group challenges that can help employees and their spouses earn a \$150 incentive and get healthier. With TML Well challenges for employees to go solo or get motivated by group activities, and Blue Points™ rewards for still more activities, our wellness program is designed to meet the different needs of every employee.

Employee Assistance Program

The Deer Oaks Employee Assistance Program (EAP) is a service included with your plan, provided free to you, employees and their dependents. This program offers a wide variety of counseling, referral, and consultation services, all designed to help your employees and their families to resolve work-life issues and live happier, healthier, more balanced lives. These services are confidential and can be easily accessed by calling the toll-free Helpline.

All employees and their dependents are eligible to access the EAP, including retirees and employees who have recently separated from their employer (within 6 months of separation).

Blue Points™ – Rewards for healthy living

Your employees can earn even more rewards through Well onTarget. You can earn Blue Points for regularly participating in many different healthy activities. Redeem up to 17,325 points each year in the online shopping mall. You can earn both the \$150 check and Blue Points in the same year, and you can use your points as soon as you earn them.

Earn points by:

- completing a Health Assessment
- completing self-management programs about a variety of healthy living topics
- participating in the Fitness Program
- using trackers to measure your fitness activities, eating habits, and more
- syncing and using your fitness device or app

Blue 365 – Discount Program

This health and wellness discount program is free for Members to join, and offers discounts on apparel, footwear, fitness experiences and devices, gym memberships, hearing and vision tools and devices, home and family goods, nutrition programs such as NutriSystem or Jenny Craig, as well as meal boxes, shakes, and other nutritional products, and personal care items.

NEW BUSINESS

ITEM #2



From: Jacob Jennings
PO Box 5056
Georgetown, TX 78627
Phone: 512-943-4592
Fax: 512-869-7621
Email: jjennings@tracntrol.com

Quotation

Date: August 25, 2022
To: Charles Fiero
INFRAMARK

Sent via: Email
cc:

Project: Blanco Distribution System PLC Upgrade

Scope of Work:

1. Labor, materials, and programming to replace existing DirectLogic PLCs
2. Warranty – One year parts and labor
3. On and off-site Technical support – 24/7 for the life of the system.
4. Training (4 hours during or immediately following installation, 4 hours follow-up within 90 days, as required)
5. Control Panel Drawings

Deliverables:

1. Office RTU – will be relocated to WTP when WTP is online
 - a. Install new ABMicro800 PLC in the existing Office RTU enclosure
 - b. Add new DC Power Supply
 - c. Add new DC UPS and Battery
 - d. Add interface relays as required for 120VAC power fail and to trigger alarm dialer alarms
 - e. Add Industrial Unmanaged 5port switch
 - f. Reuse existing TransNET Radio
 - g. Add 120VAC Surge Suppression Device
 - h. Add 120VAC 10A Circuit Breaker
 - i. Add Terminal Blocks as Required
 - j. Add new Cox Surge Suppressor
 - k. Program New Micro800 PLC to interface with Radio System
 - l. Modify VTScada Application for distribution system
 - i. VTScada license is tied to the WTP project
 - ii. Application will be moved to WTP Desktop under that project
2. Office SonicWALL Firewall
 - a. Install new SonicWALL Firewall TZ270 to replace existing consumer-grade router
 - b. Relocate SonicWALL to WTP with the relocation of the RTU
 - c. Provide SonicWALL with 1-year active threat support
 - d. Provide SonicWALL with 5pack of SSL VPN licenses
3. EST
 - a. Provide new RTU

4. **Church Tank**
 - a. **Provide new RTU**
5. **Stallion Tank**
 - a. **Provide new RTU**
6. **Cielo Tank**
 - a. **Provide new RTU**
 - b. **Provide Proximity Switch for HydroTank Site Glass**
7. **General New Site RTU Notes**
 - a. **New Enclosure**
 - i. **Saginaw Painted Steel NEMA 4/12**
 - ii. **30"X30"X10"**
 - iii. **Painted back panel**
 - b. **AB Micro870E Series PLC**
 - c. **AB 2085-IF4 analog Inputs Cards as required for existing I/O**
 - d. **AB 2085-IQ16 Digital Input Cards as required for existing I/O**
 - e. **PULS 5A 24VDC Power Supply**
 - f. **PULS DC UPS**
 - g. **12VDC 7AH Battery**
 - h. **S+S 120VAC 10AMP Circuit Breaker**
 - i. **Citel 120VAC Surge Suppression**
 - j. **Citel Analog Surge Suppression**
 - k. **Finder PLC Input/Output Isolation Relays**
 - l. **Terminal Blocks**
 - m. **Wire Duct**
 - n. **Panel Wire**
 - o. **Program New Micro800 PLC to interface with Radio System and control local pumps and fill valves**
 - p. **Reuse existing Radio, Coax, and antennas**
 - q. **Reuse existing Level Transducers and Instruments**
 - r. **Mount new RTU Enclosure next to Existing Site RTU**
 - s. **Convert existing RTU into a termination box**
 - t. **Install conduit and wire between new RTU and existing RTU**
8. **Cellular Routers**
 - a. **Provide Tosibox 670 Cellular Router for each site – QTY 5**
 - i. **Tosibox support – 36month contract paid annually**
 - ii. **No hardware purchase**
 - iii. **Full Hardware warranty while on support including carrier modem obsolescence and lightning damage**
 - iv. **Managed by TraC-n-trol**
 - v. **Buyout of hardware if termination before 36 month term**
 - vi. **Option to buy hardware outright vs subscription model but warranty is 1-year and SW updates are included for 4-years**
 - b. **Tosibox Cellular Data Plan – 1Gig per month**
 - i. **Supports AT&T, Verizon, Sprint & T-Mobile**
 - ii. **Looks for strongest carrier and support fallback to another carrier**
 - iii. **Paid annually through TraC-n-trol**
 - iv. **Personal Cell Plan is an option**
 - v. **Hardline Internet can be used with Cellular Plan or in place of cellular plan.**
 - vi. **Router supports and failover form hardline to cellular**
 - c. **Provide Cellular Antennas for each Tosibox cellular router**
 - d. **Install cellular antenna in the top of each enclosure**

- e. Cellular Routers allow for remote access to each PLC vs onsite PLC program access
- 9. HMI Remote Access Subscription
 - a. Agilicus – WTP & WWTP Computer
 - b. 2 computers
 - c. 5 users

Agilicus Description

1. Agilicus provides a Zero Trust Remote Access to specific predetermined resources per user.
2. Agilicus uses an identity service (Google, Apple, Okta, Microsoft) to determine user "identity" for access to system allowed resources.
3. Agilicus will provide mobile/remote access to VTScada Thin Clients
4. Agilicus will provide a secure connection between VTScada and Twilio and allow operator alarm acknowledgement through voice and text alarms.
5. Twilio account and data usage is included with this subscription.
 - a. VTScada Cloud based alarm notifications
6. TraC-n-trol will maintain the Agilicus configuration and will make adjustments per customer feedback.
7. Additional users can be purchased for \$264 per year
8. Additional users will be prorated to align with the current 1-year term.
9. Example: if a new user is added 6month into the current term, then the cost will be $\$198/2 = \99 for 6months.
10. TraC-n-trol will use Agilicus for remote support of the HMI computer
11. Agilicus, Twilio, and TraC-n-trol Remote Support will require an active internet connection.

Exclusions and Assumptions:

1. Local and state sales taxes are excluded from quoted pricing.
2. Performance and payment bonds are excluded from quoted pricing.
3. Installation of field instrumentation other than equipment specified will be invoiced on a cost-plus basis.
4. This proposal assumes that equipment can be temporarily removed from service while improvements are implemented.
5. Trenching and line/tank taps;
6. 30x30 space required on electrical service panel;
7. 120VAC power to RTU are to be provided by others;
8. Dry contacts for RTU control of pumps, meter, alarms, etc. inside RTU enclosure or in central proximity to the RTU; each terminated and labeled for our use are to be provided by others;

Terms:

1. Invoices are due Net 30 days from date of invoice. Balances paid after due date are subject to a 1.5% charge.
2. Mobilization and equipment will be invoiced at 20% of contract amount upon acceptance of quotation for mobilization and engineering. Freight is prepaid and included in quoted pricing.
3. Billing for materials on hand will be verified by project accounting reports after receipt of supplier invoices.
4. Project Retainage is 0%
5. Agilicus support will be bill after accounts are created for operators
6. Tosibox support will be bill when Tosibox ships
 1. Tosibox support starts when units ship from the factory
7. Balance of contract will be paid monthly based on percentage of project completed each 30 days.
8. Pricing is valid for 30 days from date of quotation.
9. System is quoted for completion within 120 days of approval.
10. Tosibox support pricing is based on a 36month term paid yearly. Cancellation before the 36month term will require a buyout of the hardware.
11. Tosibox Cellular data plan is a yearly term and based on a \$25per month dataplan per site
12. Tosibox 36month upfront payment will lock in pricing for the full 36month term

Quotation:

Item	Quoted Pricing
PLC Upgrade	\$136,140.00
Tosibox Cellular Router – 1 year (36month term)	\$3,768.00
Agilicus (5 user + 2 HMI) – 1 year	\$1,422.00
Total	\$141,330.00

Quotation:

Item	Quoted Pricing
PLC Upgrade	\$136,140.00
Tosibox Cellular Router – 3 year (36month term)	\$11,304.00
Agilicus (5 user + 2 HMI) – 3 year	\$4,266.00
Total	\$151,710.00

Respectfully submitted:

Accepted & Date



Jacob Jennings, TraC-n-trol, Inc.

INFRAMARK

Date

If acceptable, please sign, date, and return to our office.