

**SPECIAL CITY COUNCIL MEETING AND PUBLIC HEARING  
OF THE GOVERNING BODY OF  
THE CITY OF BLANCO**

**December 7, 2021**

**5:00 PM**

**Byars Building, 308 Pecan Street, Blanco, Texas 78606**

**Please join my meeting from your computer, tablet, or smartphone.**

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Notice is hereby given that a special meeting and public hearing of the governing body of the City of Blanco will be held on Tuesday, December 7, 2021, at 5:00 pm at Byars Building, 308 Pecan Street, Blanco, Texas 78606.

**CALL MEETING TO ORDER:**

1. Roll Call/Establish a quorum:  
Mayor Rachel Lumpee (Present/Absent)  
Mayor Pro-Tem Saucedo (Present/Absent)  
Councilmember McClellan (Present/Absent)  
Councilmember Smith (Present/Absent)  
Councilmember Barron (Present/Absent)  
Councilmember Divine (Present/Absent)

**PLEDGE OF ALLEGIANCE**

2. Announcements (No Action May Be Taken)
3. Public Comments: The City Council welcomes public comments at this point. Speakers must sign up before the meeting begins and indicate the subject the speaker wishes to address. Speakers are limited to three (3) minutes each, which cannot be donated from one speaker to another. The Council cannot respond to matters not listed on the agenda until a future meeting.

**Proclamation:** January 23 – 29, 2022 as School Choice Week in BLANCO

**Presentation:**

CRC Presentation, Dawn Capra, Site Director and Alyce Sierra

**Staff Presentations:**

1. City Hall (Kelly Kuenstler)
2. Police Department, (Chief Rubin)

**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 Councilmember, in which those items will be pulled for separate consideration.

1. Approval of Interlocal Agreement between the City of Blanco and the Blanco Emergency Services District, Number 2 (Kelly Kuenstler, Interim City Administrator).

**PUBLIC HEARING (6:00 PM):**

1. Public Hearing on the Adoption of the Proposed 2021 City-Wide Zoning Map Amendment.

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

1. Discussion, Consideration, and Possible Action on Amendment to Ordinance 2021-O-012 on Opening Invocations Before Meetings of the City Council of Blanco, Texas (Councilmember Smith).
2. Discussion, Consideration & Possible Action on Mainstreet Architects Proposal (Councilmember Mike Smith/Kelly Kuenstler, Interim City Administrator).

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

1. Discussion, Consideration, and Possible Action on Adoption of the 2021 City-Wide Zoning Map Amendment.
2. Presentation, Discussion and Possible Action On Allocating TWDB Funds and the Coronavirus Local Fiscal Recovery Fund (Kelly Kuenstler, Interim City Administrator).
3. Discussion, Consideration & Possible Action on Contract Negotiations with Intramark Regarding Operation, Maintenance and Management of Water & Wastewater Facilities (Kelly Kuenstler, Interim City Administrator).
4. Discussion, Consideration and Possible Action on a Contract For Legal Counsel Between the City of Blanco and Tim Tuggey (Kelly Kuenstler, Interim City Administrator).
5. Discussion, Consideration and Possible Action on A Contract with Atlas Design Services for the US-281 Corridor (Kelly Kuenstler, Interim City Administrator).

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

1. Discussion, Consideration, and Possible Action Pursuant to Section 551.074 of the Texas Government Code, deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: consideration and possible action regarding entering into contract negotiations with City Administrator Candidate.
2. Discussion, Consideration, and Possible Action Pursuant to Section 551.074 of the Texas Government Code, deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: consideration and possible action regarding evaluation and discipline of City Boards and Commissions (Planning & Zoning, Historic Preservation, and Streetscape).

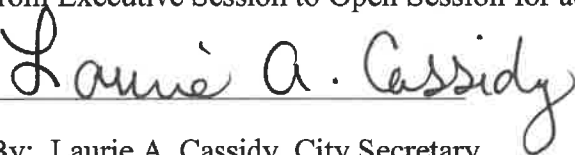
3. Texas Government Code Section 551.071 (Consultation with City Attorney), Section 1.05, Texas Disciplinary Rules of Professional Conduct and 551.072 (Real Estate): to wit, Discussion with legal counsel to obtain legal advice related to possible reclaimed water contract between City and Chamaco Mio Investments, LLC.
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.

**Take any action as a result of Executive Session.**

**Adjournment**

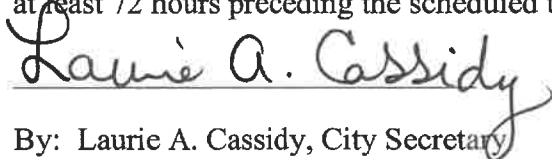
*This agenda has been reviewed and approved by the City of Blanco, Texas' legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting, considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.*

The Council may vote and/or act upon each of the items set out in this agenda. The City Council for the City of Blanco has the right to adjourn into executive session at any time during this meeting to discuss any matter authorized by Texas Government Code Section 551.071 (consultation with Attorney), Texas Government Code Section 551.072 (Real Estate), and Texas Government Code Section 551.074 (Personnel Matters). The City Council for the City of Blanco may discuss, consider and/or act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.



By: Laurie A. Cassidy, City Secretary

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Blanco is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice in the window in the City Hall of said City of Blanco, Texas at a place convenient and readily accessible to the general public at all times and said Notice was posted on the 3<sup>rd</sup> day of December 2021 before 5:00pm and remained so posted continuously for at least 72 hours preceding the scheduled time of the meeting.



By: Laurie A. Cassidy, City Secretary

**PROCLAMATION  
OF THE CITY OF BLANCO  
PROCLAIMING JANUARY 23-29, 2022, AS**

**City of Blanco School Choice Week**

WHEREAS all children in the City of Blanco should have access to the highest-quality education possible; and,

WHEREAS the City of Blanco recognizes the significant role that an effective education plays in preparing all students in City of Blanco to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of the City of Blanco; and,

WHEREAS the City of Blanco is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS the City of Blanco has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools, and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Mayor Rachel Lumpee do hereby recognize January 23 – January 29, 2022, as the City of Blanco School Choice Week, and I call this observance to the attention of all of our citizens.



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Rachel Lumpee, Mayor  
City of Blanco, Texas



# CRC

Community Resource Centers  
of Texas Inc.

**Welcome to Community Resource Centers of Texas, Inc.  
Blanco County – Johnson City, TX**



## contact us



[www.crctx.org](http://www.crctx.org)



[blanco@crctx.org](mailto:blanco@crctx.org)



206 S. Hwy 281  
Johnson City, TX 78636



830-868-0208  830-468-6122

## who we are

Community Resource Centers of Texas, Inc. (CRCTX) is a registered 501 (c) (3) nonprofit organization dedicated to serving the community.

With locations in Burnet (Home Office), Blanco, Llano, and Williamson counties, we improve community well-being through connection, collaboration and integration with other local, state, and federal agencies.

## what we do

We are a one-stop shop for connecting people to local resources, such as food, employment, healthcare, legal aid, and more.

We refer clients to both in-house and outside agencies and link them with tools to improve their lives in both the short and long term.

## why we do what we do

We love seeing the looks on the faces of the people we serve. Knowing our work directly impacts our communities is the reason we are in existence and why we established our mission.



# CRC

Community Resource Centers  
of Texas Inc.

## programs

We aim to fill gaps in service where we can, which is why we developed our Older Adult Rural Services (OARS) program and our Benevolence Fund.

These programs meet the needs of the community by directly assisting our most vulnerable populations. We are able to provide financial assistance for gas, prescriptions, utilities, and more.

## funding

Community Resource Centers of Texas, Inc. is the ministry arm of Texas Housing Foundation (THF). Our missions align for the betterment of the community and our staff operations are privately funded by THF.

We budget for grants and donations to cover operational costs.

**Our mission is to serve communities by connecting people to resources that meet needs and change futures.**

## partnerships

We provide free office space to nonprofit organizations, local, state and federal agencies that serve our communities. Food pantries, housing authorities, and mental health clinics are a few examples.

## staff

Our staff is comprised of passionate and compassionate professionals, people who are service-oriented and connected to our mission, vision, and values.

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## Current CRCTX Locations



### **Burnet County – Home Office**

1016 Broadway, Marble Falls, TX 78654

Main Number: 830-693-0700

Hours of Operation: 8:00 a.m. to 4:30 p.m.

Site Coordinators: Cindi Fry & Trish Walker

WSRCA Site Coordinator: Natalee Goff

AARP/SCSEP Admin: Mary Gomez

### **Blanco County**

206 S. Hwy 281, Johnson City, TX 78636

Main Number: 830-868-0208

Hours of Operation: 8:00 a.m. to 4:30 p.m.

WSRCA Site Coordinator: Alyce Sierra

### **Llano County**

100 Legend Hills, Llano, TX 78643

Hours of Operation: 8:00 a.m. to 4:30 p.m.

Main Number: 325-247-2703

Site Coordinator: Marilyn Johnson

### **Williamson County**

155 Hillcrest Lane, Ste. B, Liberty Hill, TX 78642

Main Number: 512-548-5091

Hours of Operation: 8:00 a.m. to 4:30 p.m.

### **Admin Staff – Home Office**

Lucy Murphy, Executive Director

Dawn Capra – Site Director

Mary Jo Callaway – Director of Finance & Business Administration

Maryum Mitchell – Administrative Coordinator





## Program Information



Our Benevolence and Older Adult Rural Services (OARS) funds were created as a way to eliminate the gap in financial resources available to the community. We can assist with gas and hotel vouchers, prescriptions, utilities, and much more.



Every summer, our Community Resource Centers partner with local agencies to distribute fans to older adults ages 55 & up. With high summer temperatures causing distress for many older adults, we are thankful to take part in potentially saving lives.



CRCTX has partnered with Lowe's Grocery Store in Blanco County to provide a key service to the community. This program enlists the help of volunteers to deliver groceries to those homebound and older adults ages 55 & up.



Our transportation program offers free rides to those needing assistance getting to and from doctors' appointments, grocery stores or other necessary locations. Volunteer drivers are eligible for mileage reimbursements after each trip.







**CRC**  
Community Resource Centers  
of Texas Inc.

## AGENCIES AND SERVICES AVAILABLE IN BLANCO COUNTY CRC

*NOTE: LIST WILL CHANGE AS PARTNERS ARE ADDED. These agencies office out of the Blanco County (Johnson City) CRC on a weekly, bi-weekly, or monthly basis. Contact Blanco County CRC for more information: (830) 868-0208; blanco@crctx.org*

- Adult Probation-Jake Meadows, 830-868-4008, cscdcso1@blancocountytexas.org.
- Any Baby Can – Cynthia Quinonez, 512-334-4464, cynthiaQ@anybabycan.org, ECI – serves families with children up to 3 years old.
- BCFS Education Services-Head Start – Brittany Sparks, 830-307-2956, bs@bcfs.net, full day Pre-K.
- Catholic Charities – Justin Estep, 512-651-6111, justin-estep@ccctx.org, immigration services.
- CPS – Karon Gayoso, 512-715-3534, karon.gayoso@dfps.texas.gov.
- Combined Community Action (Meals on Wheels) - Noel Buck, 979-540-2991, nbuck@ccaction.com.
- Community Action, Inc. – Margery Marshall, 512-392-1161x309, mmarshall@communityaction.com, utility assistance.
- Community Action, Inc. – Sarah Johnson, (701) 626-2142, sarah.johnson@communityaction.com, ESL/GED classes.
- Blanco EMS-Community Paramedic
- DSHS – Amanda Dukes, 512-715-3515, amanda.dukes@dshs.texas.gov, immunizations.
- Ecumenical Center – Counseling & therapeutic services for adults and children.
- Endeavors (Veteran’s Services) – Elyse Salazar, 210-469-9664 x188, esalazar@endeavors.org, assistance for homeless or soon to be homeless Veterans.
- Highland Lakes Family Crisis Center – 830-693-3656, aids survivors of family/dating violence.
- Hill Country Children’s Advocacy Center – Alicia Ports, 512-756-2607, aliciap@hccac.org, mental health therapy to physically/sexually abused children 3-18.
- Johnson City Christian Food Pantry – Tim or Margie Vasquez, 830-868-0208, margie5161@gmail.com.
- K’Star – Delia Arnold, 830-739-2245, delia.arnold@kstar.org, free counseling for children and teens.
- Lion’s Club – Paul Axtell, 830-387-8957, deer creekvet@gmail.com.
- Maximus – Lupe Alegria, GuadalupeAlegria@maximus.com, Texas Health Steps.
- Hill Country MHDD –512-392-8953x3525.
- Methodist Healthcare/Wesley Nurse – Cindy Leonard, 830-868-7440, cleonard@mhm.org, financial assistance, health/wellness screenings, prescriptions.
- North Hill Country Public Defender’s Office – Michelle Moore, 972-567-9018, mmoore@burnetcountytexas.org.
- Workforce Solutions RCA – David Schlaeger, 512-756-6769 x 1116, david.schlaeger@ruralcapital.net, job prep & training, help with job searches.
- Hill Country Memorial WIC – Amy Carrillo, 830-257-4400, acarrillo@hillcountrymemorial.org, nutrition education, supplemental foods, formula for infants 0-3.



**CRC**  
Community Resource Centers  
of Texas Inc.

AGENCIES AND SERVICES AVAILABLE IN BLANCO COUNTY CRC

- ❖ **FREE WEATHERIZATION FOR LOW INCOME HOUSEHOLDS offered by Community Action, Inc.**
- ❖ **FREE BOX FANS offered by Age of Central Texas, Aging & Disability Resource Center, and Family Eldercare**
- ❖ **FREE IN-HOUSE VIRTUAL CONSULTATIONS with Central Texas Food Bank counselors for those seeking state benefits**
- ❖ **FREE APPLICATION ASSISTANCE for the Comprehensive Energy Assistance Program offered by Community Action, Inc.**
- ❖ **FREE APPLICATION ASSISTANCE for the Texas Rent Relief Program**
- ❖ **FREE EMERGENCY BROADBAND SERVICES offered by United Service Administrative Company**
- ❖ **MEALS ON WHEELS DISTRIBUTION CENTER for packs of five frozen meals per week provided by Combined Community Action**
- ❖ **CONNECTION TO local nonprofits, state agencies, and service providers**
- ❖ **GROCERY DELIVERY PROGRAM a Store to Door grocery delivery service**
- ❖ **TRANSPORTATION VOUCHER PROGRAM a voucher reimbursement program to provide transportation for the mobility challenged**

**STAFF**  
**CITY HALL**



## City Administrator's Office Staff Presentation

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KELLY KUENSTLER

DECEMBER 7, 2021

BLANCO CITY COUNCIL MEETING

1

### Noteworthy Updates!



Simple City should have our forms ready for distribution in Development Services. My goal was to get the development illustrations and forms to coincide with UDC to you before I leave so that is one goal that is accomplished.

Interviews were conducted last week by a great group of people for the Operation of the Water & Wastewater Plants. Councilmember Barron, Councilmember Smith, Mike Rieken (citizen) & OJ Armstrong (citizen) interviewed with me on December 1st

2 companies that were interviewed were Jacobs Engineering & Inframark – the group selected Inframark as the company with whom to negotiate.





2

<h2>Newsworthy Updates</h2> <p>Ad Comp is finalizing the software in the Utilities Department so that the kiosk in the front of City Hall can be utilized – the “go live” date is January, 2022</p> <p>Because the Finance Dept is in the middle of the IRS audits this week, there will not be a Financial Status Report</p>	 
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3

# QUESTIONS



4



## City Administrator's Office Staff Presentation

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KELLY KUENSTLER  
DECEMBER 7, 2021  
BLANCO CITY COUNCIL MEETING

**STAFF  
POLICE  
DEPARTMENT**



## BLANCO POLICE DEPARTMENT MONTHLY STATISTICS 2021

	January	February	March	April	May	June	July	August	September	October	November	December	YTD
<b>Crime Statistics</b>													
<b>Major Crimes</b>													
Assaults	1	0	0	0	1	3	1	0	0	3	1		10
Sexual Offenses	0	0	0	1	0	0	0	0	0	0	1		2
Other	0	0	0	0	0	0	0	0	0	0	1		1
<b>Burglaries</b>													
Residence	0	1	2	0	0	0	0	1	0	0	0		4
Vehicle	0	0	1	0	1	0	0	0	0	0	0		2
Business	0	0	0	1	0	4	0	0	1	0	0		6
Theft	1	1	5	1	2	2	1	6	5	1	2		27
Criminal Mischief	7	2	1	3	1	2	0	3	1	3	0		23
Alcohol Violations	3	2	7	4	4	3	3	3	2	7	2		40
Narcotics Violations	9	3	14	7	10	13	9	20	9	10	5		109
<b>Arrests</b>													
Cases Filed					13	22	9	11	5	12	7		79
Individuals	11	4	16	2	7	15	13	12	6	16	8		110
Adult				1	6	15	13	12	6	15	8		76
Juvenile				1	1	0	0	0	0	1	0		3
Offenses	13	9	23	2	9	31	13	21	15	22	7		165
Felony	7	1	10	2	4	8	7	11	9	8	6		73
Misdemeanor	6	8	13	0	5	23	6	10	6	14	1		92
<b>Calls for Service</b>													
<b>Total Calls for Service</b>	100	115	116	105	185	361	394	322	339	328	254		2619
Assist EMS	4	7	3	7	5	5	10	11	9	6	6		73
Assist Fire	0	1	1	2	2	3	2	2	4	2	1		20
Assist Other Agency	10	15	11	15	12	7	17	16	26	22	24		175
Assist Public	4	33	4	18	8	4	2	6	12	8	4		103
Accidents	1	3	6	6	7	3	4	14	13	9	11		77
Disturbances	2	8	4	3	1	5	3	4	4	4	8		46
Suspicious Activity	12	7	21	18	22	27	34	21	23	14	31		230
Alarms	5	3	5	22	22	36	16	14	24	20	4		171
Animal Calls	2	2	3	1	3	1	5	1	8	3	4		33
City Ordinance Viol.	1	1	0	4	0	0	6	0	0	8	1		21
<b>Traffic Enforcement</b>													
<b>Citations</b>	40	24	52	71	109	109	110	98	82	84	70		849
<b>Warnings</b>	119	50	118	144	207	233	243	191	161	161	161		1788
Speeding	19	16	22	47	55	42	58	41	50	28	33		411
D.L. Violations	4	4	7	4	13	20	12	14	8	18	13		117
Registration	3	0	0	1	12	14	10	8	10	19	11		88
Insurance	7	0	5	3	5	8	3	8	7	5	3		54
Stop Sign/Light	1	0	3	5	6	2	4	1	2	2	3		29
Equipment	1	0	0	0	1	1	1	0	0	1	1		6
Other	5	4	15	11	17	20	22	26	5	11	6		142
<b>Other</b>													
Time Out of City	25	32	24	10	16	63	38	40	26	65	38		377
Record Requests	10	23	12	14	12	7	11	17	13	17	22		158
Golf Cart Permits	0	0	1	0	0	0	0	1	0	0	0		2
Home Watches	91	57	50	43	170	90	154	153	144	140	86		1178



**OLD BUSINESS**

**ITEM #1**



Presentation, Discussion & Possible Action on an Ordinance on Opening Invocations Before Meetings of the City Council of Blanco, Texas  
**Amendment from November 9, 2021**

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KELLY KUENSTLER

DECEMBER 7, 2021

BLANCO CITY COUNCIL MEETING

1

## Discussion

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- Councilmember Smith wants the Council to consider adopting a formal, written policy to clarify and codify invocation practices & wants Council to use decisions of the Fourth Circuit as general guidance
- Guidance was as follows:
  - Allowed for invocations for the benefit of the legislative body itself “rather than for the individual leading the invocation or for those who might also be present
  - Compiling a lists of monotheistic congregations by the City Secretary
  - City Secretary to schedule respondents to the invitation “to give the invocation on a first-come, first-serve basis
  - Not affiliate the City with any one specific faith by opening its doors to a wide pool of clergy



2

## Discussion

- Councilmember Smith further recognizes that:
  - A policy should be adopted that does not proselytize or advance any faith or show any purposeful patterns of one religious view to the exclusion of others
  - Council has a constitutional duty to interpret, construe and amend its policies & ordinances to comply with constitutional requirements as they are announced
  - Council accepts as binding that the applicability of general principles of law & all the rights and obligations afforded under the United States & Texas Constitutions and Statues.



3

## Adoption

1. The policy is to allow for but not to mandate an invocation or prayer which would be offered before meetings for the benefit of the Council
2. Prayer shall not be listed or recognized as an agenda item for the meeting or as part of public business
3. No member or employee of the Council or any other person in attendance at the meeting shall be required to participate in any prayer that is offered
4. Prayer shall be voluntarily delivered by an eligible member of the clergy within the community of Blanco
5. Procedures for speakers (on a rotating basis) are outlined in the Ordinance
6. No invocation speaker shall receive compensation for his/her service.



4

# Adoption

- 7. The Secretary shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Council Meetings
- 8. Neither the Council nor the secretary shall engage in any prior inquiry, review of or involvement in the content of any prayer offered by an invocation speaker.
- 9. Shortly before the opening of the meeting, the Mayor or the Mayor Pro Tem shall introduce the invocation speaker
- 10. The policy is not intended and shall not be implemented or construed in any way, to affiliate the Council with a particular faith or religion



5

# Amendment as Suggested By Councilor Smith

Page 5, #5

No guidelines or limitations shall be issued regarding an invocation's content, except that the Council shall request by the language of this policy that no prayer should proselytize or advance any faith or disparage the religious faith or non-religious views of others and should be limited to two (2) minutes.

Page 5, #9

Shortly before the opening gavel that officially begins the meeting and the agenda/business of the public, the Mayor or the Mayor Pro Tem shall introduce the invocation speaker and the person selected to recite the Pledge of Allegiance following the invocation and invite only those who wish to do so to join stand-for those observances of and for the Council.

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Changed City Attorney signature to Tim Tuggey

6

# Recommendation & Fiscal Impact

Fiscal Impact: None

Recommendation: Council Discretion



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Presentation, Discussion & Possible Action on an Ordinance on Opening Invocations Before Meetings of the City Council of Blanco, Texas  
**Amendment from November 9, 2021**

KELLY KUENSTLER  
DECEMBER 7, 2021  
BLANCO CITY COUNCIL MEETING

8

**ORDINANCE 2021-O-012**

**AN ORDINANCE OF THE CITY OF BLANCO, TEXAS, CITY COUNCIL, ON OPENING INVOCATIONS BEFORE MEETINGS OF THE CITY COUNCIL OF BLANCO, TEXAS; PROVIDING FOR REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE**

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**WHEREAS**, the City Council of Blanco, Texas ("the Council") is an elected legislative and deliberative public body, serving the citizens of Blanco, Texas; and

**WHEREAS**, the Council now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

**WHEREAS**, our Country's Founders recognized that we possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, our inalienable rights, to a Creator. These rights ultimately ensure the self-government manifest in our Legislature, upon which we desire to invoke divine guidance and blessing; and

**WHEREAS**, such prayer before deliberative public bodies has been consistently upheld as constitutional by American Courts, including the United States Supreme Court; and

**WHEREAS**, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." *Id.*, at 786; and

**WHEREAS**, the Council desires to avail itself of the Supreme Court's recognition that it is constitutionally permissible for a public body to "invoke divine guidance" on its work. *Id.*, at 792. Such invocation "is not, in these circumstances, an 'establishment' of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country." *Id.*; and

**WHEREAS**, the Supreme Court affirmed in *Lynch v. Donnelly*, 465 U.S. 668 (1984), "Our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders." *Id.*, at 675 and;

**WHEREAS**, the Supreme Court further stated, that "government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying government approval of particular religious beliefs." *Id.*, at 693 (O'Connor, J., concurring); and

**WHEREAS**, the Supreme Court also famously observed in *Zorach v. Clauson*, 343 U.S. 306, (1952), "We are a religious people whose institutions presuppose a Supreme Being." *Id.*, at 313-14; and

**WHEREAS**, the Supreme Court acknowledged in *Holy Trinity Church v. United States*, 143 U.S. 457 (1892), that the American people have long followed a "custom of opening sessions of all deliberative bodies and most conventions with prayer..." *Id.*, at 471; and

**WHEREAS**, the Supreme Court has determined, "The content of [such] prayer is not of concern to judges where ... there is no indication that the prayer opportunity has been exploited to proselytize or advance anyone, or to disparage any other, faith or belief." *Marsh*, 463 U.S. at 794-795; and

**WHEREAS**, the Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies "to embark on a sensitive evaluation or to parse the content of a particular prayer" offered before a deliberative public body. *Id.*; and

**WHEREAS**, the Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. *See, e.g., Lee v. Weisman*, 505 U.S. 577, 588-589 (1992); and

**WHEREAS**, in *Simpson v. Chesterfield County Bd. of Supervisors*, 404 F.3d 276 (4<sup>th</sup> Cir. 2004), *cert. denied*, the United States Court of Appeals for the Fourth Circuit reviewed and specifically approved as constitutional the prayer policy of a county board, and made a number of key findings about said policy; and

**WHEREAS**, the Council is not bound by decisions of the Fourth Circuit, but hereby acknowledges the general guidance provided by the most important of that court's findings in *Simpson*, including the facts that the policy there:

(1) Allowed for invocations for the benefit of the legislative body itself "rather than for the individual leading the invocation or for those who might also be present," *Id.*, at 284; and

(2) Established a practice of compiling a list of local monotheistic congregations, "with addresses taken primarily from the phone book," where to the city clerk would send an invitation each December addressed to the "religious leader" of each congregation, *Id.*, at 279; and

(3) Required the city clerk to schedule respondents to the invitation "to give the invocation on a first-come, first-serve basis," *Id.*; and

(4) Thus, "made plain that [the county board] was not affiliated with any one specific faith by opening its doors to a wide pool of clergy." *Id.*, at 286; and

**WHEREAS**, the Fourth Circuit showed little concern that the prayers before board meetings in *Simpson* were "traditionally made to a divinity that is consistent with the Judeo-Christian tradition," *Id.*, at 280, because *Marsh* also considered, and found constitutionally acceptable, the fact that the prayers in question fit broadly within "the Judeo-Christian tradition." *Id.*, at 283 (quoting *Marsh*, 463 U.S. at 793); and

**WHEREAS**, in *Pelphrey v. Cobb County*, 547 F.3d 1263, 1278 (11<sup>th</sup> Cir. 2008), the United States Court of Appeals for the Eleventh Circuit followed the rationale and reasoning of *Marsh* and *Simpson* and upheld the constitutionality of a county commission's invocation policy;

**WHEREAS**, the Eleventh Circuit in *Pelphrey* specifically rejected the argument that the Establishment Clause permits only nonsectarian prayers at legislative meetings, holding instead that prayers are permitted as long as "there is no indication that prayer opportunity has been exploited to proselytize or advance anyone, or to disparage any other, faith or belief," *Id.* at 1266;

**WHEREAS**, the Council intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others; and

**WHEREAS**, the Council recognizes its constitutional duty to interpret, construe, and amend its policies and ordinances to comply with constitutional requirements as they are announced; and

**WHEREAS**, the Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Texas Constitutions and statutes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Blanco, Texas, that the foregoing premises are found to be true and correct and, accordingly, the Council hereby adopts the following written policy regarding opening invocations before meetings of the Council:

1. In order to solemnize proceedings of the City Council of Blanco, Texas, it is the policy of the Council to allow for, but not to mandate, an invocation or prayer to be offered before its meetings for the benefit of the Council.

2. The prayer shall not be listed or recognized as an agenda item for the meeting or as part of the public business.

3. No member or employee of the Council or any other person in attendance at the meeting shall be required to participate in any prayer that is offered.



4. The prayer shall be voluntarily delivered by an eligible member of the clergy in the Blanco Community. To ensure that such person (the "invocation speaker") is selected from among a wide pool of the Blanco Community Clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

a. The City Secretary (the "Secretary") shall compile and maintain a database (the "Congregations List") of the religious congregations with an established presence in the Blanco Community.

b. The Congregations List shall be compiled by referencing the listing for "churches," "congregations," or other religious assemblies in the annual YellowPages phone book(s) published for the City of Blanco, Texas, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence in the local community of the Blanco are eligible to be included in the Congregations List, and any such congregation can confirm its inclusion by specific written request to the Secretary.

c. The Congregations List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City of Blanco, Texas.

d. The Congregations List shall be updated, by reasonable efforts of the Secretary, in November of each calendar year.

e. Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the Secretary shall mail an invitation addressed to the "religious leader" of each congregation listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.

f. The invitation shall be dated at the top of the page, signed by the Secretary at the bottom of the page, and read as follows:

*Dear religious leader,*

*The City Council of Blanco, Texas makes it a policy to invite members of the clergy in the Blanco community to voluntarily offer a prayer before the beginning of its meetings, for the benefit and blessing of the Council. As the leader of one of the religious congregations with an established presence in the local community, or in your capacity as a chaplain for one of the local fire departments or law enforcement agencies, you are eligible to offer this important service at an upcoming meeting of the Council.*

*If you are willing to assist the Council in this regard, please send a written reply at your earliest convenience to the City Secretary at the address included on this letterhead. Clergy are scheduled on a first-come, first-serve basis. The dates of the Council's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.*

*This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the Council requests only that the prayer opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker.*

*On behalf of the City Council of Blanco, Texas, I thank you in advance for considering this invitation.*

*Sincerely,  
City Secretary*

- g. As the invitation letter indicates, the respondents to the invitation shall bescheduled on a first-come, first-serve basis to deliver the prayers.
5. No guidelines or limitations shall be issued regarding an invocation's content, except that the Council shall request by the language of this policy that no prayer should proselytize or advance any faith or disparage the religious faith or non-religious views of others and should be limited to two (2) minutes.
6. No invocation speaker shall receive compensation for his or her service.
7. The Secretary shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Council meetings. In any event, no invocation speaker shall be scheduled to offer a prayer at consecutive meetings of the Council, or at more than three (3) Council meetings in any calendar year.
8. Neither the Council nor the Secretary shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invocation speaker.
9. Shortly before the opening gavel that officially begins the meeting and the agenda/business of the public, the Mayor or the Mayor Pro Tem shall introduce the invocation speaker and the person selected to recite the Pledge of Allegiance following the invocation and invite only those who wish to do so to join stand for those observances of and for the Council.
10. This policy is not intended and shall not be implemented or construed in any way, to affiliate the Council with, nor express the Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Blanco, Texas.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this policy shall become effective immediately upon adoption by the Council.

**DULY ADOPTED AND APPROVED** by the City Council of the City of Blanco, Texas, on this 9<sup>th</sup> day of November 2021.

APPROVED:

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Rachel Lumpee  
Mayor

ATTEST:

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Laurie Cassidy  
City Secretary

APPROVED AS TO FORM:

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Tim Tuggey  
City Attorney

**OLD BUSINESS**

**ITEM #2**



Presentation, Consideration & Possible  
Action on Mainstreet Architects, Inc.  
(Blanco Streetscape & City Masterplan)

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KELLY KUENSTLER  
DECEMBER 7, 2021  
BLANCO CITY COUNCIL MEETING

1

## Discussion

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- Mainstreet Architects, Inc. answered an RFQ issued by Streetscape and presented their proposal to Streetscape in June.
- Streetscape awarded the RFQ to Mainstreet Architects, Inc. in July
- In August, City Administrator met with Mainstreet Architects, Inc. in an effort to understand how the Streetscape proposal should come before an update to the City's master plan.



2

## Discussion

- Both the City Administrator and Sue Ann Pemberton of Mainstreet Architects agreed that the project needed to be redesigned and that projects should run parallel and that the fee would be based over the duration of the project.
- Even with the rewrite, City Administrator does not believe it is in the best interests of the taxpayer to do the entire plan.
- City Administrator discussed the original RFQ & possible revision with Streetscape on November 8<sup>th</sup>.
- This item was brought before the City Council in November and the Council opted to not fund it; however, Councilor Smith asked that it be brought back up at the 12-7-2021 City Council Meeting.



3

## Options

1. Adopt the Mainstreet Architects, Inc. plan as is and do a budget adjustment for the payment of the City's portion of the plan (whatever is determined). \$80,000
2. Adopt a very revised version of the plan, i.e., last bullet points in Phase 1 which would cost Streetscape \$15,000 – Mainstreet Architects, Inc supports this expenditure
3. Don't adopt the plan and revisit next year.
4. Any other revision the Council decides upon.



4

## Recommendation & Fiscal Impact

**Fiscal Impact:** \$15,000 – Streetscape has most of this amount currently in its budget

**Recommendation:** City Administrator recommends that the Council not fund the RFQ but instead fund downtown amenities; however, this is the complete discretion of the Council



5



Presentation, Consideration & Possible Action on Mainstreet Architects, Inc. (Blanco Streetscape & City Masterplan)

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KELLY KUENSTLER  
DECEMBER 7, 2021  
BLANCO CITY COUNCIL MEETING

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