

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

**Meeting Minutes
July 13, 2021, 6:00 pm**

A regular meeting of the City Council, City of Blanco, Texas was held on July 13, 2021 at 6:00 pm at the Gem of the Hills, 2233 US Highway 281, Blanco, Texas.

The meeting was called to order at 6:08 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, Councilmembers Divine, Barron and Smith and Councilmember McClellan via Go To Meeting.

City staff present: Laurie Cassidy, Ronnie Rodriguez, Zach Dorris, Linda Coones, and Chief Rubin.

Mayor Lumpee announced the Hill Country Alliance is hosting another workshop, Hill Country Communities: The Tools that Shape Our Cities at the Gem of the Hills on July 29 at 3:00 pm. The Kiosk will be installed at City Hall tomorrow, this will allow citizens to make utility and court payments 24/7 with cash, check or credit card. The county burn ban is off at this time. Lastly, we are currently working on the budget and will be having workshops soon.

Public Comments:

- Jay Palmer, spoke for the third time, has commitment to the City of Blanco to provide an easement for emergency discharge situations. Concerned with discharge on his property. Asking the City to go forward on their end to build the pipeline, has bids and is ready to move forward. Asking for a cap on his expenses, and secondly whatever option city chooses don't place him back in same position with effluent in his yard.
- Greg Palmer, estimates received are less than \$400,000 cap, the property is now the emergency relief,
- Mike Smith, recusing himself on new business item #2 and will speak then.
- JT Morgan, lives downstream, President, Protect Our Blanco, task force has solution, please look at land application and withdraw , Protect Our Blanco will pay first \$5,000 as a good faith start, if city adopts findings.
- Lauren Ice, attorney, Protect Our Blanco, spoke on change to TLAP, land application, relies on storage , can take advantage of TCEQ credits, set aside land for storage later; do the work today, find the land and find the storage and keep wastewater out of the river.

Keith Neffendorf with Neffendorf & Blocker, P.C. made a presentation to council regarding the fiscal year 2019-2020 audit.

Presentation from Aqua Strategies and Blanco Water Reclamation Task Force on Phase I Report: Blanco TPDES Refinement Study – Alternatives to Direct Discharge (Nick Dornak)

Staff Presentations:

- City Hall (Kelly Kuenstler, Consultant) City Hall Essentials, working on issues reported in June, Personnel Manual and Decorum Policy, final report in August.
- Public Works, Ronnie Rodriguez, Public Works Director, presented water/wastewater pumpage report.
- Police Department, Police Chief Rubin presented the monthly statistics 2021 Report. He also said additional officers are now patrolling for speeders on Highways 281, 165 and 1623. Lastly, we have had no juvenile contacts this summer.

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 Minutes from the June 8, 2021 Regular City Council meeting.
2. Approval of Minutes from June 14, 2021 Special City Council meeting.
3. Approval of Minutes from June 22, 2021 Special City Council meeting and workshop. **A motion was made by Councilmember Smith to approved consent agenda items 1 through 3, approval of minutes from the June 8, June 14, and June 22 meetings, with 2 corrections as noted, seconded by Councilmember Barron, all in favor, motion passed unanimously.**

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

1. Mayor Lumpee moved discussion on Task Order No. 9 to the end of new business item #10.
2. Councilmember Smith asked to move discuss on general and supplemental conditions for the TWDB Project No. 6248 to the end of new business after item #10.
3. Discussion and possible action on collection, distribution, and usage of rain water in the City of Blanco. Councilmember Smith asked Brad to provide a simple sample ordinance that we can work off of. Get draft from Brad by end of this week. **No action taken.**
4. Discussion and possible action on Resolution adopting a Development Agreement Policy (Councilmember Divine). **No action taken.**

5. Discussion and possible action on approval of commissioners for the Blanco Historic Preservation Commission (term July 2021 through June 2023) (Kuenstler). Ms. Kuenstler stated the list of commissioners who were approved by the Historic Preservation Commission are included in the agenda package. Councilmember Divine said applicant Gail McClellan should be reviewed, she has a strong history in the community and would be an asset to the commission. Councilmember McClellan said regardless of Ms. McClellan's application, for the good of the Historic Commission council should think strongly about leaving the individual on the recommended list. **A motion was made by Councilmember Divine to approve the commissioners as listed with the removal of Jim Bunte and the addition of Gail McClellan, seconded by Councilmember Smith, four in favor, motion passed, Councilmember McClellan abstained from the vote.**
6. Discussion and possible action on water restrictions (drought) (Councilmember Divine) Councilmember Divine stated this has been drafted in the form of a resolution. **A motion was made by Councilmember Divine to approve the Resolution 2021-R-(TBD) as read, seconded by Councilmember Barron, all in favor, motion passed unanimously.**
7. Discussion and possible action on placement of trash receptacles on city road(s) or in public right-of-way(s) (Councilmember Smith) Chief stated the trash receptacle has been moved out of right-of-way and onto grass. He also said this will probably be an ongoing issue, due to different drivers. **No action taken.**

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

1. Discussion and possible action on approval of 2020-2021 fiscal year audit by Neffendorf & Blocker, P.C. Ms. Kuenstler said City needs to pay attention to pages 55-56, those are our material weaknesses. She has not seen it all included in one finding. She also said with Linda on staff, we will have a much better audit next year as far as the material weaknesses go. Now Council needs to accept and approve the audit. **A motion was made by Councilmember Smith to approve the 2020-2021 audit as submitted, seconded by Councilmember McClellan, all in favor, motion passed unanimously.**
2. Discussion and possible action on the lift station site location, to include approval to move forward with an archeological survey as required by THC for the City of Blanco's TxCDBG Contract # 7220040 (Councilmember Smith). Councilmember Smith recused himself from item due to person conflict. Ms. Kuenstler explained City is trying to do a land acquisition, possibly at no cost to the City to move the lift station out of the floodplain. First step is completing archeological survey. Land owner would deed land to the City so that new lift station could be built. Then landowner would purchase land existing lift station is on, at current market value. **A motion was made by Councilmember Saucedo to approve the archeological survey as required by the TX CDBG contract at the location selected by our city engineer, seconded by Councilmember Barron, four in favor, (Smith abstained from vote), motion passed.**

3. Discussion and possible action on appointing interim city administrator. Mayor Lumpee said Ms. Kuenstler has been acting as our administrative consultant. Ms. Kuenstler agreed stating she is just about finished, trying to complete all the reports. A motion was made by Councilmember Barron to appoint Kelly Kuenstler as our Interim City Administrator, seconded by Councilmember Smith. Mayor Pro-Tem Saucedo asked what the budget is. Ms. Kuenstler sent contract to Attorney Bullock for his review and she suggested council hold special meeting. Brad is reviewing, said looks fine and agreed it would be appropriate for Council to take time to review and hold a special meeting to approve. **An amended motion was made by Councilmember Smith to enter into contract negotiations with Ms. Kuenstler as the Interim City Administrator, seconded by Councilmember Barron, all in favor, motion passed unanimously.**

Mayor Lumpee moved discussion items 4, 5, and 6 to the end and proceeded on to item #7.

- (7) Discussion and possible action approving amendment to MUD Policy Resolution No. 2021-R-003 (Councilmember Barron). Councilmember Barron spoke regarding revision to the MUD policy. Provision viii states the City will be the sole water/wastewater provider for the MUD, and this is an unreasonable burden given the potential expense and exposure to liability. The City should maintain an option to provide on a case by case basis. Per Attorney Bullock language is fine. **A motion was made by Councilmember Barron to amend Resolution 2021-R-003 to delete the language in section viii and insert new section v., seconded by Councilmember Divine all in favor, motion passed unanimously.**
- (8) Discussion and possible action to consider and/or act on Blanco Water Reclamation Task Force recommendations (Councilmember Divine). Councilmember Divine shared her experience being on the task force and said she is looking forward to working with Mr. Palmer. Councilmember Barron requested clarification from Nick regarding type 1 water and retrofitting the treatment plant. Nick Dornak with The Meadows Center and Barney Austin with Aqua Strategies explained the task force recommendations. The recommendations were consolidated into four: 1) Pursue a phased Texas Land Application Permit, 2) Double the capacity of onsite storage ponds and maintain higher water quality, 3) Market that water and obtain agreements with more landowners, and 4) Continue to support the Task Force with City representation and invest in Phase 2: A One Water Pathway for the City of Blanco. City Engineer, Tom Turk explained his recommendations as well and said in general the study and the recommendations that the task force brought forward are good and consistent with the overall approach. The areas of notable difference are the TLAP (Texas Land Application Permit) – City would have to acquire land, complete study and engineering and it is a costly process. Secondly, Blanco currently possesses a 210-water reuse permit. Upon discharge, the City becomes its own customer, avoiding the level of regulation typically imposed for lower quality treated effluent (TLAP).

At 8:57 pm council took a 10-minute break.

At 9:15 pm council resumed regular meeting.

A motion was made by Councilmember Barron to accept the task force recommendations 2, 3, and 4 at this time and to explore more regarding item 1, seconded by Councilmember Divine. Councilmember Smith would like to see the item tabled and get more input from our engineer, Freeland Turk. Mr. Turk said recommendations 2, 3, and 4 are very consistent with our current application. His only comment was he would like to see a different site location for the pond. Councilmember Smith amended motion, to include City engineer's recommendation of alternate sites for storage pond. Councilmember Divine withdrew her second to the main motion. **Councilmember Barron amended the motion to accept the task force recommendations 2, 3, and 4, noting under recommendation 2 our engineer wishes to have additional study on site selection for the pond expansion, seconded by councilmember Divine, all in favor, motion passed unanimously.**

- (1.) Mayor Lumpee brought back item 2020-2021 fiscal year audit by Neffendorf & Blocker, P.C. due to Councilmember McClellan not being seen on Go To Meeting video. **A motion was made by Councilmember Smith to approve the fiscal year 2019-2020 (date was revised to correct year) audit as submitted, seconded by Councilmember Saucedo, four in favor, motion passed Council Member McClellan is heard but not seen on audio/video).**
- (9.) Discussion and possible action to update City of Blanco representatives to the Blanco Water Reclamation Task Force (Councilmember Divine). Councilmember Divine officially nominated Councilmember Barron and Mayor Lumpee to serve as representatives on the task force. **A motion was made by Councilmember Divine, to appoint Councilmember Barron and Mayor Lumpee as task force representatives, seconded by Councilmember Smith, all in favor, motion passed unanimously.**
- (10.) Discussion and Possible Action on updating the Clarifier at the Water Treatment Plant (City Engineer, Tom Turk) Mr. Turk spoke regarding the condition of the City's clarifier which is approximately 25 years old and corroding. Per the construction contract, the contractor has been asked to sandblast all the surfaces of the metal, patch the existing holes with various sized, steel patches and then paint. Last month the contractor did a test section of the sandblasting which stripped off metal and formed more holes. They looked into coating the metal, but this work could not be guaranteed. Next a certified corrosion inspector reviewed the structure and stated the clarifier has reached its useful life and is too far gone to make repairs. Essentially only one option, to replace the metal part of the clarifier. The contractor submitted a change order to replace the structure at a cost of \$460,000 (less the credit for repair work to structure). Per contractor, this will delay completion of project. This is part of the water plant's critical path. Councilmember Smith verified the cost of \$460,000 is the current market price.

Contractor has located a supplier and got a bid from clarifier manufacturer, anticipated delivery 28-32 weeks. Pricing good for 10 days from July 8, 2021. Councilmember Smith asked Turk to go back to contractor, have bid good through July 20, 2021 and work out credits **No action taken.**

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

1. Discussion and possible action on approval of new Task Order No. 9 Freeland Turk Engineering Group, LLC – waste water treatment plant, waterline and access easement (Public Works Director, Rodriguez). Councilmember Smith said this is authorization for us to engage our City engineer to provide the design services that are required for placing the line on Mr. Palmer’s property, as per agreement. Councilmember Divine asked if we need this at this time. Councilmember Smith said yes, we need placement of line. Councilmember Divine said doubling tank size will answer this question. Mr. Turk said we are obligated to Mr. Palmer to build route. Councilmember Barron is concerned this is not the answer to Mr. Palmer’s problem. Councilmember Smith said it is in the best interest of the City to design what we have agreed to. **Councilmember Smith made a motion to approve Task Order 9, seconded by Councilmember Saucedo, 3 in favor (Councilmember McClellan voted via audio visual screen), 2 opposed (Councilmembers Divine and Barron), motion passed.**
2. Discussion and possible action on general and supplemental conditions for the TWDB Project No. 62748 for the City of Blanco, Texas. (Councilmember Smith) Councilmember Smith said we previously approved additional cost for builder’s risk insurance. Subsequent to that, our City engineer was able to get a revised elevation certificate which we submitted to our provider, but it did not change the pricing. Councilmember Smith visited with Ms. Kuenstler; policy has not been secured yet. Current cost is \$106,000 for additional insurance. After reviewing the June 30 pay application, the tangible materials subject to damage by flooding totals \$83,000 so it does not seem to be the best decision at this time to spend the \$106,000 (especially with the clarifier expense pending). Councilmember Smith asked engineer, Mr. Turk to get additional pricing and council to address this item next month. **No action taken.**

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

- (4.) Discussion and possible action on the adoption of an Ordinance 2021-O-0XX of the City of Blanco, Texas, City Council, adopting Rules of Conduct and Decorum for Public Meetings and Hearings Held by the City Council; Providing for Repealer, Severability, and Savings Clauses; and Providing for an Effective Date (Ms. Kuenstler) Ms. Kuenstler presented PowerPoint slideshow. **A motion was made by Councilmember Barron to adopt ordinance 2021-O-0XX of the City of Blanco, Texas, City Council, adopting Rules of Conduct and Decorum for Public Meetings and Hearings, with change of wording item #1 and throughout the document from “Citizens to be Heard” to “Public Comments” and #2 change wording from “The Presiding Official shall” to “The Presiding Official may”, seconded by Councilmember Smith, all in favor, motion passed unanimously.**

- (5.) Discussion and possible action on the adoption of an Ordinance of the City of Blanco, Texas, City Council, adopting the Blanco Personnel Policy (Ms. Kuentler). Ms. Kuentler presented PowerPoint slideshow of revised personnel policy and organizational chart as part of her consulting services to the City . Councilmember Saucedo asked if department heads had reviewed. Brad said he reviewed from legal standpoint and said it does not violate employee rights. That is the context of his review. **Councilmember Smith moved to table this item and give the department heads time to review – table until July 20 special meeting, seconded by Councilmember Divine, all in favor, motion passed unanimously.**
- (6.) Discussion and possible action declaring excess City property surplus and authorizing disposal (Police Chief Rubin) Chief Rubin said they have two vehicles and plan to use on-line auction to dispose of. Items are based on rotation plan. Obtain best resale value and keep maintenance cost under control. **A motion was made by Councilmember Smith to approve request of property surplus and disposal, seconded by Councilmember Divine, all in favor, motion passed unanimously.**
- (11.) Discussion and possible action on disbursement of tuition reimbursement to Victoria DeReu in the amount of \$921.00 (Chief Rubin). Chief Rubin spoke regarding request for tuition reimbursement. She is pursuing a degree in Criminal Justice; this is enhancing her ability to perform her job. **A motion was made by Councilmember Smith to approve the reimbursement, seconded by Councilmember Barron, all in favor, motion passed unanimously.**

At 10:40 closed regular session and opened 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) and Section 1.05, Texas Disciplinary Rules of Professional Conduct. Confer with City Attorney, consideration, and possible action regarding legal issues associated with the Wastewater Treatment Plant permit application (WQ0010549002).

Closed executive session at 11:06 pm and opened regular session.

No action taken in executive session.

Adjournment

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

Meeting was adjourned at 11:06 pm.

Respectfully submitted,

Rachel Lumpee
Rachel Lumpee, Mayor

ATTEST:

Laurie A. Cassidy
Laurie A. Cassidy, City Secretary

These minutes were approved on the 10 day of August, 2021.

