

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

**Meeting Minutes
October 4, 2022, 6:00 pm**

A special meeting of the City Council, City of Blanco, Texas was held on October 4, 2022, at 6:00 pm at the Byars Building, 308 Pecan Street, Blanco, Texas.

The meeting was called to order at 6:00 pm by Mayor Rachel Lumpee, followed by roll call (Laurie Cassidy) announcing a quorum was present. The Pledge of Allegiance was led by Mayor Lumpee. Council members present: Mayor Lumpee, Mayor Pro-Tem Barron, Council Members Smith, McClellan, Thraikill, and Divine.

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

Mayor Lumpee made the following announcements:

- The City offices will be closed on Monday, Oct. 10 in observance of Columbus Day/Indigenous peoples' Day.
- Blanco County burn ban remains on at this time and is set to expire at noon on Oct. 25.
- The City of Blanco remains on Stage 2 water restrictions.
- The Old Blanco County Courthouse's 32nd annual gala, Rustic Romance, is on Saturday, Oct. 8.
- The Blanco Rotary Club is collecting coats for H.O.P.E. ministries from Oct. 6-21, 2022.
- Our first "Chat with Council" is scheduled for Sat., Oct. 22 at 10:30 a.m. at the Byars Building.
- Just a reminder that Texas Marigold Festival is almost here! It will take place Oct. 22-29. More information is available at texasmarigoldfestival.com.
- Blanco United Methodist Church is hosting their annual Pumpkin Patch October 5-31.
- I want to reiterate that my office doors are always open. Please feel free to reach out to me and schedule a meeting. My email is mayor@cityofblancotx.gov and my office phone number is 830-833-4525 extension 100.

Public Comments:

- Kelly Kuenstler, congratulations Council on item #1, agreement with the Harbison's. She spoke representing Pharr Paradise saying while as the neighbor to both the City and the Harbison's they are pleased, it is critical that the details are in keeping with the City's other obligations. She referenced the agreement between Pharr Paradise and the City.

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

1. Consideration, Discussion and Take Action on the Approval of Agreement for a Monitored Trial Program for Reclaimed Water Service Between Ricky Dale Harbison and Evon Hobart Harbison, individually and as co-trustees of the Harbison Management Trust, and the City of Blanco. Warren Escovy spoke on the background and long standing negotiations between City and landowner. The City is seeking management of wastewater through TCEQ authorization for irrigation with reclaimed water.

Landowner is seeking irrigation with reclaimed water for agricultural use. City staff recommends approval of the agreement for the following reasons: significant step forward in management of City wastewater and related discharge issues, allows for review and focus on operations and economics with reclaim water, and allows ample opportunity for possible resolution of landowner disputes, without associated legal costs and relate distractions. Council discussed with attorney Tim Tuggey and City Administrator, Warren Escovy. Mayor Lumpee and Council Member Smith thanked Tim Tuggey and Warren Escovy for moving the agreement forward. **A motion was made by Council Member Smith to Approve Resolution 2022-R-007, seconded by Mayor Pro-Tem Barron, all in favor, motion carried unanimously.**

2. Consideration, Discussion and Take Possible Action on Appeal of Vested Rights Determination by Vapor Genius, LLC (Action may include but is not limited to granting or denying the appeal or approving or tabling terms of a consent agreement in resolution of the appeal). Warren Escovy spoke on the history of the vested rights appeal. He also discussed the developments and status and the consent agreement key points. The City staff and City attorney recommend approval of the consent agreement as proposed for the following reasons: Exonerates City Council and community position through ordinance, maintains City (and community) involvement and review of retail operation, supports reasonable interpretation of ordinance even if City successfully litigates, and avoids litigation costs and risk of adverse decision on vested rights. Council discussed with attorney Tim Tuggey. **A motion was made by Council Member Smith to Approve Resolution 2022-R-008, with 2 amendments, Vapor Genius is to restrict entry to any person under the age of 18 unless accompanied by an adult and post such signage at the entry door, make good faith effort, also to prevent comingling from Suite A and Suite B, seconded by Council Member Divine, motion carried 4-1, with Council Member McClellan opposed.**

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

1. Texas Government Code 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 Ricky Dale Harbison and Evon Hobart Harbison, individually and as co-trustees of the Harbison Management Trust.
2. Texas Government Code Section 551.071 (Consultation with City Attorney), Section 1.05, Texas Disciplinary Rules of Professional Conduct: to wit, Discussion with legal counsel to obtain legal advice related to appeal of vested rights determination—Vapor Genius.

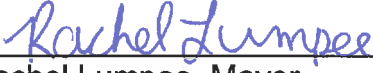
Items #1-2, No action taken

Adjournment:

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

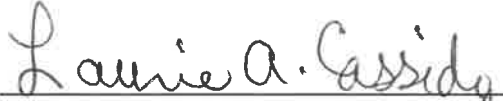
Meeting was adjourned at 6:30 pm.

Respectfully submitted,



Rachel Lumpee, Mayor

ATTEST:



Laurie A. Cassidy, City Secretary

These minutes were approved on the 11th day of October, 2022.