

# **PROCLAMATION 1**

# OLDER AMERICANS' MONTH PROCLAMATION

*WHEREAS, the City of Blanco is home to citizens aged 60 years old or older whose experiences and wisdom connect us to the past and help us meet the challenges of the future; and*

*WHEREAS, the older citizens of the City of Blanco are representative of an unprecedented trend in the nation's demographic makeup; and*

*WHEREAS, older persons are diverse, respected citizens who continue to contribute to our nation's social and economic well-being as they live longer, healthier, and more productive lives, many even starting second careers; and*

*WHEREAS, as America grows older, each community must strive to understand and address the evolving challenges and needs of our older citizens and the people who care for them; and*

*Whereas, the opportunities and challenges that lie ahead require us to think differently about health and long term care, and work together to ensure that older Americans can age strong, long and with dignity; and.*

*WHEREAS, the City of Blanco wishes to join in the celebration to honor the Seniors of Blanco County and to encourage them to "Age Strong, Live Long";*

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

## *Older Americans Month*

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Seal of the City of Blanco, Texas, to be affixed this 10<sup>th</sup> day of May 2022.

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Rachel Lumpee, Mayor

# **PROCLAMATION 2**

## **FLAG DAY AND WEEK PROCLAMATION**

**WHEREAS, the Second Continental Congress adopted the American Flag on June 14, 1777; and**

**WHEREAS, June 14, 2022, marks 245 years of displaying our American Flag; and**

**WHEREAS, it is fitting and proper to officially recognize "Old Glory" as a symbol of hope, inspiration, and pride for the people of the United States and around the world; and**

**WHEREAS, in order to commemorate the adoption of our flag, on August 3, 1949, the Congress, by joint resolution, designated June 14 of each year as "Flag Day" and requested that the President issue an annual proclamation designating the week in which June 14 occurs as "National Flag Week" and call upon citizens of the United States to display the flag during that week; and**

**NOW, THEREFORE, I, Rachel Lumpee, by the power vested in me as Mayor of the City of Blanco, and on behalf of the City Council and Citizens of Blanco, do hereby proclaim the week of June 12-18, 2022, as**

### ***"NATIONAL FLAG WEEK"***

**in the City of Blanco, Texas and ask our citizens to reaffirm the ideals of our County by displaying our American Flag at their homes and throughout the Country.**

**Given under my hand and seal this 10<sup>th</sup> day of  
May 2022**

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**Rachel Lumpee, Mayor**

# BLANCO COUNTY NEWS

"DEDICATED TO THE CITY OF BLANCO AND THE SURROUNDING AREA"

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## THE STARS AT NIGHT...



Blanco Mayor Rachel Lumpee (to the right of the sign) receives the International Dark Sky Community designation from Michelle Fischer (to the left of the sign), representing the International Dark Sky Association (IDA), on April 26 at the annual gathering of the Blanco County Friends of the Night Sky. Pictured, from left, are BCFNS members Sandy Switzer, Linda Whitlow, Elizabeth Miller, Bob Heinonen (aka the Wizard of the Night Sky), and, kneeling, Wayne Gosnell. To the right of Lumpee are Soll Sussman, representing IDA-Texas chapter, and BCFNS members Larry Seller and Vicki Guldry. (Contributed photo)

## Blanco named International Dark Sky Community

By John Verser

A decade and a half of hard work paid off.

The City of Blanco's bid to become officially approved as an International Dark Sky Community came to fruition April 26, culminating work that began in 2007. The work has been a joint effort from many individuals, the city, the chamber of commerce and the Blanco County Friends of the Night Sky.

Only 37 communities throughout the world have earned this prestigious distinction. As of January, there have only been 195 designated IDA Dark Sky Places worldwide.

The city was notified of the award April 26 at the annual meeting of the Blanco County Friends of the Night Sky (BCFNS).

"To say we were delighted would be an understatement. For so many in the community to work for so long towards this goal and then to finally attain that goal is truly fulfilling," said Wayne Gosnell, president of BCFNS.

There were many steps to achieve the status. According to Gosnell, they include a municipality, such as the City of Blanco, being involved; having a way

of measuring the darkness of the night sky; having an outdoor lighting ordinance passed by the city council, which includes enforcement; having an active night sky public education program; and being able to show success in light pollution control.

"The most difficult part of the process was writing and passing a viable Outdoor Lighting Ordinance for the City of Blanco," Gosnell said. "This required lots of research, several drafts, legal review, revisions, more legal review, etc."

The application to the IDA was 295 pages long. Gosnell said they expected the IDA to return the application with a lengthy list of deficiencies that needed to be fixed, but they didn't.

"Their only reservation was that Blanco needed to show that its streetlights met IDA criteria of being of a design that allowed no light to escape above the horizontal plane and have a color temperature of no more than 3,000 Kelvin (a yellowish light)," he said.

The city or Pedernales Electric Co-op couldn't tell organizers if the city's streetlights met that criteria, so volunteers stepped in to take readings at each light. This included getting GPS coordinates,



Blanco Mayor Rachel Lumpee receives an International Dark Sky Community gateway sign from Wayne Gosnell, president of the Blanco County Friends of the Night Sky. Pending TxDOT approval, the signs will be installed at the city limits on each highway entry into Blanco. (Contributed photo)

fixture design and estimated color temperature.

"Our conclusion was that not one streetlight in the city met IDA's requirements," Gosnell said.

The cost to replace all of the city's streetlights would have been approximately \$38,000. The group looked at fundraising to

make that a possibility, when a little luck struck their way. PEC informed the group that it was about to replace all the streetlights in its service area, which includes Blanco, and the fixtures would be IDA compliant.

"The process was a long one for

See DARK SKY page 3

# COMMUN

## DARK SKY

*Continued from page 1*

us, but the end goal was worth it," said Blanco Mayor Rachel Lumpee. "The City of Blanco sits at the 'edge of darkness,' with light polluted large cities to our east and south. We view our still beautiful night sky as a treasured natural resource that deserves protection from light pollution. We want to protect the darkness we have and actually reclaim the even more beautiful night skies enjoyed by our predecessors here in the Texas Hill Country."

### What it means

There are many benefits to having the official recognition of Blanco as an IDA community.

The first is economic. Since the city is within an hour's drive of more than 4 million people in the cities and suburbs, Gosnell said it gives them another reason to stop or stay in Blanco.

"Visitors already arrive to swim in our river, visit our historic town square, view our wildflowers, and enjoy our hills. Now they have a reason to remain overnight to see our night skies," he said.

"Being designated an official International Dark Sky Community will be a real boon to our efforts to promote night sky tourism in and around Blanco," added Libbey Aly, executive director of the Blanco Chamber of Commerce.

The hope is also that it will lead to greater community involvement in preserving the night sky.

"Of all the forms of pollution mankind has foisted on the Earth, light pollution is the easiest and cheapest to fix," Gosnell said. "This is not rocket science. All we have to do is get all our lights pointed down. Light pollution can be reversed and we can actually regain the brilliant night skies enjoyed by our ancestors...and we can do it in our own lifetimes."

Why is it important for a community to value the dark sky? There are many bad effects artificial light has at night, according to Gosnell.

"It disrupts ecosystems, impacts human health, wastes money and energy, and, perhaps most importantly of all, blocks our view

of and connection to the universe that surrounds us," he said. "The citizens of Blanco know this and are willing to work hard to preserve the night skies we have and to regain the darkness we have lost."

According to the IDA, those that have received the designation show "exceptional dedication to the preservation of the night sky through the implementation and enforcement of a quality outdoor lighting ordinance, dark sky education and citizen support of dark skies. Dark Sky Communities excel in their efforts to promote responsible lighting and dark sky stewardship, and they set good examples for surrounding communities."

Four other nearby communities have the distinction: Fredericksburg, Dripping Springs, Horseshoe Bay and Wimberley. Also, the Lyndon B. Johnson National Historical Park (Ranch Unit), Enchanted Rock State Natural Area and Milton Reimers Ranch have each earned IDA International Dark Sky Parks recognition.

### The beginnings

The effort was started by individuals in Blanco in 2007 when there wasn't an organization to support it. They started measuring the Sky Quality Meter readings of the night sky at 14 locations in the city, something that's been done ever since.

Also in 2007, the City of Blanco was chosen as one of four Texas communities to be involved with the Visionaries in Preservation (VIP) program to "identify community goals and develop action plans to achieve them."

"The number one thing Blanco citizens wanted to preserve about our community was its rural character. Number two was our night skies," Gosnell said. "These related desires morphed into

the Blanco Historic Preservation Action Plan and then became part of the City's Comprehensive Master Plan."

Things kicked into high gear in 2018 after BCFNS was organized.

### What does BCFNS do?

The organization was established in 2018 "to promote night sky preservation and light pollution abatement," according to an IDA press release.

BCFNS did a lot of work in little time. Members made presentations to schools and community organizations, and they set up booths at Market Days and other local events to spread their mission. They started essay and art contests involving school students, and they also held a songwriting contest that ended up as a CD of songs promoting the night sky.

A character known as "Wizard of the Night Sky" was created to give a more visual approach to the message, while businesses were recognized for using appropriate outdoor lighting. A light bulb exchange program was also initiated.

The organization also helped start a Night Sky Friendly Neighborhood program, in conjunction with the Hill Country Alliance and Blanco County Commissioners Court, to ask developers to "include common sense outdoor lighting requirements in their deed restrictions." With the help of BCFNS and organizations like them, the state legislature passed a measure to allow limited use of HOT (hotel occupancy tax) funds for Blanco and Hays counties to support night sky preservation. The first of these funds were used to make changes to outdoor lighting at two local motels.

Learn more about the BCFNS at [www.blancocountynightssky.org](http://www.blancocountynightssky.org).



# QUICK GUIDE TO BLANCO'S 2018 OUTDOOR LIGHTING ORDINANCE



**PURPOSE:** To provide an easily understandable guide to the major provisions of the Outdoor Lighting Ordinance passed by the Blanco City Council that came into effect on October 9, 2018

**BOTTOM LINE FIRST:** In general, you can have whatever lights you want on your property as long as they meet two criteria:

1. The light cannot shine off your property onto another property or a city or state right-of-way to cause glare nor upward to pollute the night sky (they need to be pointed downward so they shine onto just your property; you can shield the lights or install fixtures that restrict the light to just your property, whichever you choose), and
2. The light must have a Correlated Color Temperature of not more than 3,000 degrees Kelvin (preferably 2,700 or lower).

**PURPOSE OF THE OUTDOOR LIGHTING ORDINANCE:** To protect the night sky from light pollution coming from lighting that shines upwards into the night sky; to reduce annoying and dangerous glare for drivers, pedestrians, and neighbors; to preserve the night sky for the enjoyment of residents and visitors, and to encourage the night sky-tourism industry in and around Blanco.

## WHERE CAN I FIND NIGHT SKY-FRIENDLY FIXTURES?



Buyer beware! Manufacturers will sometimes label a lighting fixture as a “Dark Sky” fixture when it actually isn’t. You have to use your own judgement. If the fixture allows light to shine off property and above the horizon to pollute the night sky, it isn’t a “dark sky” fixture and it won’t comply with Blanco’s Outdoor Lighting Ordinance. If you



want to be safe, choose a fixture that has the seal of approval of the International Dark Sky Association. These can be found at [www.darksky.org/](http://www.darksky.org/). The Hill Country Alliance has a pretty good listing of fixtures found at big box stores; [http://www.hillcountryalliance.org/wp-content/uploads/2014/06/DARK-SKY-FRIENDLY-FIXTURES-AVAILABLE-FROM-HOME-DEPOT\\_v3.pdf](http://www.hillcountryalliance.org/wp-content/uploads/2014/06/DARK-SKY-FRIENDLY-FIXTURES-AVAILABLE-FROM-HOME-DEPOT_v3.pdf). Otherwise, hardware stores and online outlets have many, many dark sky fixtures to choose from. Just be careful that they really are what they claim to be!

## WHAT IS “CORRELETED COLOR TEMPERATURE?”

It is now federal law that the packaging for all consumer bulbs must show information about the color temperature of the bulb. This is often labeled “Light Appearance” and ranges from “Warm” to “Cool.” An American Medical Association study warns that light with a Kelvin temperature above 3,000K inhibits the body’s ability to produce melatonin at night. Melatonin is a hormone that, among other things, helps the body ward off cancer. Hence, the City of Blanco requires that outdoor lights be no more than 3,000K as a public health issue.

Lighting Facts Per Bulb	
Brightness	800 lumens
Estimated Yearly Energy Cost	\$1.08
Based on 3hrs/day, 11¢/kWh. Cost depends on rates and use.	
Life	22.8 years
Based on 3hrs/day	
Light Appearance	
Warm	Cool
2700K	
Energy Used	9 watts

(over)

**HOW DOES CORRELATED COLOR TEMPERATURE AFFECT THE COLOR OF LIGHT?** Here is a chart showing how light gets bluer and bluer the higher you go in Color Temperature. It's the blue light that the American Medical Association wants us to minimize. Keep it warm and safe!



**WHERE CAN I FIND BULBS WITH A COORELATED COLOR TEMPERATURE OF 3,000K or LESS?**

These bulbs come in all types and sizes. Some big box stores have them (though you sometimes have to hunt hard to find them). On-line shopping websites have them. The non-profit Blanco County Friends of the Night Sky ([www.blancocountynightssky.org](http://www.blancocountynightssky.org)) has a "Products" tab on its website that takes you directly to flat-bottomed LED bulbs with 2,700K temperature. (It also has some really inexpensive "motion detection" bulbs that only come on when there is movement in the area.)

**WHAT'S THE BIG DEAL ABOUT FLAT-BOTTOMED LEDS?**



It is simply that the light emitted by the bulb does not shine outwards in all directions to cause glare and pollute the night sky. The light only shines down. A great many existing fixtures in Blanco that do not meet the requirements of the 2018 Outdoor Lighting Ordinance, could come into compliance simply by changing the bulb out to a flat-bottomed LED with a Correlated Color Temperature of 3,000 Kelvin or less. And, because LEDs use much less electricity to produce the same amount of light as traditional incandescent bulbs, you'll save money on electricity...and they'll last longer!

**WHERE CAN I READ THE COMPLETE 2018 OUTDOOR LIGHTING ORDINANCE?**

The ordinance is much more comprehensive than has been presented here so, if you are a builder, an electrician, or a contractor, it is best that you read the entire document to make sure your fixtures will be in compliance. You can look at the ordinance in person at City Hall or on the City's website

<https://www.cityofblanco.com/download/745/CHAPTER%205%20UDC%207.9.19%20APPROVED.pdf>.

An unofficial, reformatted version is also posted on the website of the Blanco County Friends of the Night Sky <https://blancocountynightssky.org/blancolighting.php>



**WHERE CAN I FIND MORE INFORMATION ABOUT LIGHT POLLUTION AND NIGHT SKY PRESERVATION?**

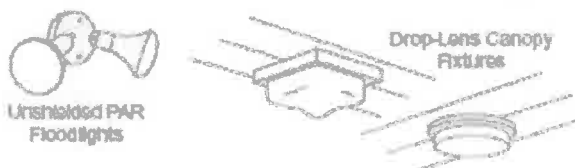
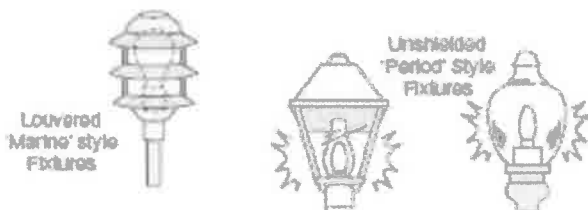
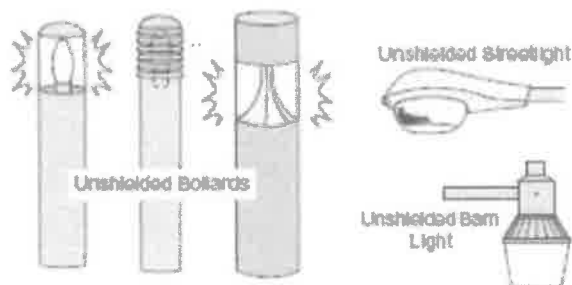
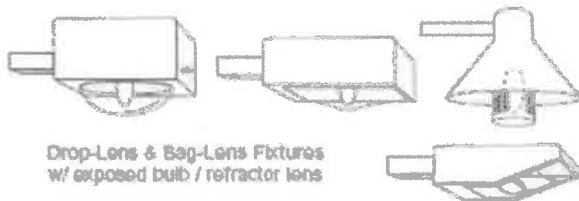
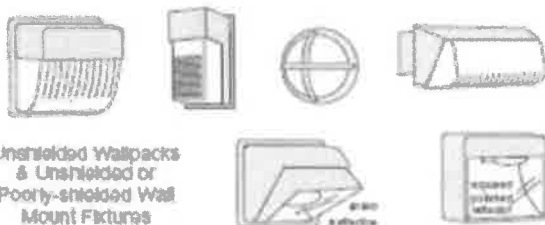
Lots of useful information may be found by visiting the following websites: [www.darksky.org](http://www.darksky.org); [www.hillcountryalliance.org](http://www.hillcountryalliance.org); [www.blancocountynightssky.org](http://www.blancocountynightssky.org).



# Better Lights for Better Nights

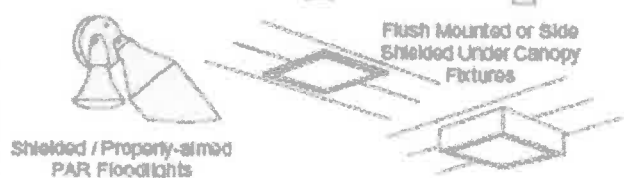
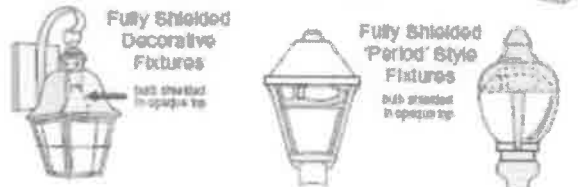
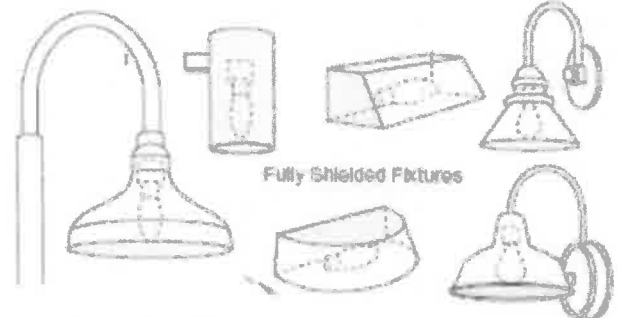
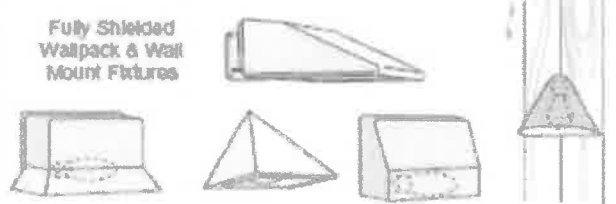
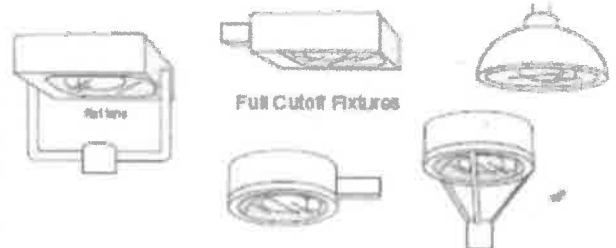
## Unacceptable / Discouraged

Fixtures that produce glare and light trespass



## Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



**STAFF**  
**CITY HALL**

**STAFF  
POLICE  
DEPARTMENT**

# BLANCO POLICE DEPARTMENT MONTHLY STATISTICS 2022



January	February	March	April	May	June	July	August	September	October	November	December
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Crime Statistics												YTD	
<b>Major Crimes</b>													
Assaults	2	0	2	0									4
Sexual Offenses	0	0	0	0									0
Other	0	0	0	0									0
<b>Burglaries</b>													
Residence	0	0	0	0									0
Vehicle	0	0	0	0									0
Business	0	0	0	0									0
Theft	2	4	2	0									8
Criminal Mischief	0	2	3	2									7
Alcohol Violations	1	3	0	2									6
Narcotics Violations	5	8	2	1									16
<b>Arrests</b>													
Individuals	10	4	6	6									26
Adult	10	4	1	5									20
Juvenile	0	0	5	1									6
Offenses	17	6	5	6									34
Felony	12	4	0	2									18
Misdemeanor	5	2	5	4									16
Filed by CID	0	4	10	3									17
<b>Calls for Service</b>													
<b>Total Calls for Service</b>	237	238	324	287									1086
Assist EMS	17	9	15	6									47
Assist Fire	17	5	8	8									38
Assist Other Agency	18	7	25	21									71
Assist Public	2	11	9	7									29
Accidents	6	4	1	11									22
Disturbances	8	2	5	6									21
Suspicious Activity	13	14	30	28									85
Alarms	19	7	2	5									33
Animal Calls	1	7	9	7									24
City Ordinance Viol.	1	5	2	3									11
<b>Traffic Enforcement</b>													
Citations	40	25	32	54									151
Warnings	84	106	84	123									397
Speeding	19	7	21	21									68
D.L. Violations	7	1	2	6									16
Registration	5	2	4	8									19
Insurance	0	3	1	7									11
Stop Sign/Light	3	1	1	7									12
Equipment	0	0	0	0									0
Other	6	11	3	5									25
													0
<b>Other</b>													
Time Out of City	32	15	27	31									105
Record Requests	15	16	18	12									61
Golf Cart Permits	0	0	0	1									1
Home Watches	82	81	115	108									386

# **PUBLIC HEARING**

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

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

**Meeting Minutes  
Tuesday, April 12, 2022, 6:00 pm**

A regular meeting and Public Hearing of the City Council, City of Blanco, Texas was held on Tuesday, April 12, 2022, at 6:00 pm at the Gem of the Hills, 2233 US 281, Blanco, Texas.

The meeting was called to order at 6:06 pm by Mayor Rachel Lumpee, followed by roll call (Laurie Cassidy) announcing a quorum was present. The Pledge of Allegiance was led by Mayor Lumpee. Council members present: Mayor Lumpee, Mayor Pro-Tem Saucedo, Council Members Smith, McClellan, and Divine. Council Member Barron was absent.

City staff present: Warren Escovy, Laurie Cassidy, and Marcus Gonzales.

Mayor Lumpee made the following announcements: The Blanco Historic Preservation Commission plans to host a community workshop on May 7 at the Byars Building to share stories, photos, and documents related to our town's history; thank you to Inframark, City Staff and volunteers for the hard work during Trash Off; Blanco County Household Waste Collection Day is April 23 from 8 am to 2 pm; Meet the Candidates forum will be held April 13 at the Old Blanco County Courthouse, at 6:00 pm; Blanco County Master Gardner's Plant Sale will be held on April 16; Market Days will be on Saturday, April 16, Blanco Lions Club Bowling for a Cause will be on April 23, sign up at the bowling alley; this week is national work zone awareness week; KBB will host an Earth Day event at Bindseil Park on April 22 at 10:00 am; CoAPT will have its annual Wellness Fair on April 27 at the Second Mile Recreation Center from 4-6 pm; City offices will be closed this Friday, April 15 at noon; Denim Day is April 27, wear your jeans; Blanco Library is hosting a Shred Day on April 23 from 9 to 11:00 am.

**Public Comments:**

- Nick Dornak, The Meadows Center thanked the City for their hard work, protecting the Blanco water supply.
- Retta Martin, resident at 302 4<sup>th</sup> Street thanked Council for the Small Town American Civic Volunteer Award she received and for helping make it happen. She also spoke of mission statement and said they just completed Trash Off but do not have report yet.
- Elissa Barker, resident at 2229 Jennifer, spoke regarding Short Term Rentals (STR), needs more community input, current draft of the STR Ordinance is very restrictive, would like to serve on the committee.

- Libbey Aly, resident at 549 River Bend Dr, spoke regarding short term rental (STR) ordinance, said take advantage of city partners, policy is needed, draft as written is far reaching.
- Linda Sullivan, resident at 631 Academy, spoke regarding STR Ordinance, agreed with Libbey, need input from business owners, Property on Academy was run down, they have cleaned up, bringing in business for the City in a positive way.
- Joe Sullivan, resident at 631 Academy spoke regarding STR Ordinance, Ms. Kuenstler asked them to submit special use permit, they have been working with the City, they have met with prior code enforcement officer, they have met with Mr. Escovy, they want to do business the correct way.
- Mike Arnold, resident at 818 Pecan St, spoke saying he owns both long and short term rental properties. Collaborate with business owners, slow down, discuss and do more research, bad impression on short term rentals. View police reports, expect records are low; lift up the industry.

#### **PROCLAMATIONS:**

Mayor Lumpee read the following Proclamations:

- National Public Safety Telecommunicator Week
- Public Service Recognition Proclamation
- National Historic Preservation Month

#### **PRESENTATIONS:**

1. A Presentation on the 2022 Blanco ISD Bond Election was made by Clay Rosenbaum Superintendent with Tracy Moos, Chief Financial Officer.
2. Libbey Aly, Blanco Chamber of Commerce spoke on Chamber HOT Funds and also on the 17<sup>th</sup> Annual Lavender Festival. Vendors have been capped at 90, courthouse will be closed to visitors, port-a-potties have been increased, cooling tent will be set up, will have shuttles to lavender farms, communicating with Police Department is ongoing. Expecting larger crowd than last year. Requests from City include: 1) Street closures at 5 pm Friday, 2) large barricade at 3<sup>rd</sup> Street and US 281; 3) borrowing orange safety cones, and 4) Bindseil Park and Pecan Bottom to be reserved.

Closed regular meeting and opened Public Hearing at 7:02 pm.

- Julie and Al Shacklett did presentation on revitalization plan. Create unified parking and sidewalk plan, increase business growth, create jobs, eat and stay locally. Coffee and wine bar



- Approval of REZONING Property Located at 1725 S. Hwy 281 from R-2 to C-1.
- Approval of REZONING Property Located at 301 4th Street from R-5 to C-1.
- Approval of the Following Variances: Variance 1-Lot Width, Variance 2-Parking Requirements, Variance 3-Front Yard Setback, Variance 4- Side Yard Setback, Variance 5-Back Yard Set Back at 301 4th Street.

Closed Public Hearing at 7:12 pm.

**STAFF PRESENTATIONS:**

- City Hall, Warren Escovy gave an update on upcoming projects. Working with City Engineer, Water Plant on tract to be substantially complete in July with final completion in August.
- Police Department, Marcus Gonzales presented the March 2022 Monthly Statistics Report.

**Consent Agenda:** *The following items may be acted upon in one motion.* No separate discussion or action is necessary unless requested by the Mayor or a Council Member, in which those items will be pulled for separate consideration.

1. Approval of Minutes from the March 8, 2022, Regular City Council Meeting and Public Hearing.
2. Approval of Amendment to Contract for Interim Finance Services.
3. Approval of Budget Amendment to FY 2020-2021 Hotel Motel Fund in the Amount of \$63,660.14 and Approval of Budget Amendment in the amount of \$1,961,854.85 for the Water Treatment Plant CIP.
4. Approval of Contract with Ardurra, City Engineer for City of Blanco (Warren Escovy).
5. Approval of Six Month Extension on the Gem of the Hills Contract in the Amount of \$1,200.00.
6. Approval of Declaring Excess City Property Surplus (Computers, Monitors, Etc.) and Authorizing Disposal (Warren Escovy).
7. Approval of Payment to TxDOT in the Amount of \$11,451.99 for Safe Sidewalks Project.

**A motion was made by Council Member Smith to approve Consent Agenda Items one through seven, seconded by Council Member Divine, all in favor, motion carried unanimously.**

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

1. Consideration, Discussion, and Take Action on approval of Special Use Permit at 631 Academy Street (Pittsburg, Blk Pt of 34, Acres .918 (Owner: Joseph K. Sullivan) (Warren Escovy, City Administrator). Council Member Smith requested a life safety inspection be completed on these properties. **A motion was made by Council Member Smith to approve the Special Use Permit at 631 Academy Street to allow for the two Short Term Rentals with the following conditions, they must pass a life safety inspection and a 7' privacy fence shall be erected and maintained, seconded by Council Member McClellan, all in favor, motion carried unanimously.**
2. Consideration, Discussion, and Take Action on approval of Replat and Rezoning Request at 413 9<sup>th</sup> Street & US 281, Lot 1, Block 4 Anna Harrison Addition (Owner: Roi Biton) (Warren Escovy, City Administrator). **A motion was made by Council Member Smith to deny request for Replat and Rezoning at 413 9<sup>th</sup> Street, seconded by Council Member McClellan, all in favor, motion carried unanimously.**

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

1. Consideration, Discussion, and Take Action on Avenu Insights & Analytics Consultant Services Agreement (Warren Escovy, City Administrator). Mr. Escovy spoke regarding the City's need to consult with Avenu Analytics to accomplish collection of misallocated sales tax revenue (SUTA), short term rental taxes (STR), and a review of franchise fees. Franchise Fee, revenue that is not being realized, SUTA, popular service, fee structure, no risk, on a contingency basis, seasoned staff and CPA's, and third tier is short term rental, gives City full cycle search properties, types, owner and contact information, discover all properties, looks like 40-50 , second phase, if there is a permit, register them, collect the HOT fee, reconcile fee with payment, follow up with delinquencies and collections. 24/7 hotline, for call in violations, to be resolved without using local resources. Reach out to owner to work with renter. Three violations can be struck out for the year, Compliance auditing, Council suggest we go out for RFQ, it was also suggested we complete the STR ordinance before collecting the fees. **A motion was made by Council Member Smith to table item, have staff go out for RFQ and have update at May 10 Council Meeting, seconded by Mayor Pro Tem Saucedo, all In favor, motion carried unanimously.**
2. Consideration, Discussion, and Take Action on Approval of Change Order 006 to the Water Treatment Plant Contract to Include Labor and Materials to Remove Permanent Generator and Provide a Docking Station, then to Add Permanent Generator Back. This Change Order will Increase the Contract by \$32,337.67 and add 4 Days to the Completion of the Project (Tom Turk, Freeland Turk, City Engineer). Water Treatment Plant was bid in 2019, January 2021 generator was part of the project. Numerous discussions of portable generator. March 2021, Ronnie Rodriguez and Will Daves directed contractor to delete generator from Contract, bad storm in February 2021, new mandate-emergency preparedness plan. Different options for delivery of water within 24 hours of event. Our case would be a generator. Became clear we need to revise strategies, need for permanent generators at water plant and at the lift station.

Cost and demand on generators have increased over the past year. Cost is an increase of \$32,337.67 and delivery is approximately 5 months. July 9 plant should be substantially complete. Attorney Tuggey suggested this item be discussed in Executive Session. **Table item to Consult with Attorney.**

3. Consideration, Discussion, and Take Action on REZONING a property located at 1725 So. Hwy 281 from R-2 to C-1 (Owner: John Sone). **No Action Taken.**
4. Consideration, Discussion, and Take Action on REZONING a property located at 301 4th Street from R-5 TO C-1 (Owner: Alfred Shacklett). **Owner withdrew request.**
5. Consideration, Discussion, and Take Action on the Following Variances: Variance 1-Lot Width, Variance 2-Parking Requirements, Variance 3-Front Yard Setback, Variance 4- Side Yard Setback, Variance 5-Back Yard Set Back At 301 4th Street (Owner: Shacklett). Due to inaction of previous zoning request only variances to be considered are Variance 2 and 4 (1 not required. V3 is not necessary and V5 is not necessary). Council Member Smith excited to welcome the business to town. **A motion was made by Council Member Smith to approve Variance 2-Parking Requirements and Variance 4-Side Yard Setback, with the note of no employee parking in the Historic Preservation District/Square, seconded by Mayor Pro-Tem Saucedo, all in favor, motion carried 3-1 with Council Member McClellan opposed.**
6. Consideration, Discussion, and Take Action on Approval of Greenlawn Place Subdivision Plat (Owner: Tejas Heritage Homes). Council Member McClellan asked if engineering study had been done to review drainage. Mayor Pro-Tem Saucedo asked if a development agreement is necessary. **A motion was made by Council Member Smith to approve the Greenlawn Place Subdivision Plat with the following requirements, provide tree survey and have approved Urban Forestry Professional or Licensed Arborist oversee work within drip line of Heritage trees, seconded by Council Member McClellan, all in favor, motion carried unanimously.**
7. Consideration, Discussion, and Take Action on Approval of Street Closures and use of Byars Building for Lavender Festival (June 10-11, 2022), Chamber of Commerce. Trash team will monitor City bathrooms, **A motion was made by Council Member Divine to approve the street closures and use of Byars Building for Lavender Festival, seconded by Council Member Smith, all in favor, motion carried unanimously.**
8. Consideration and Discussion (No Action) on Short Term Rentals Ordinance (Council Member Barron). Warren Escovy, City Administrator discussed the R3 and R5 zones, the tracking of locations utilizing HR Green, GIS mapping, Council Member Smith requested from Warren/Staff a list of requirements/objectives in priority order. Warren would like more input from P&Z commission. Susan Moore suggested we get input from Libbey at the Chamber. Council Member Divine suggested we get input from neighbors not just based on zoning. **No ACTION.**

Closed Regular Meeting at 9:05 pm and Convened Into Executive Session.

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

1. Texas Government Code Section 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Finance Director.
2. 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.
3. Texas Government Code Section 551.071 (Consultation with City Attorney), Section 1.05, Texas Disciplinary Rules of Professional Conduct: to wit, Discussion with legal counsel Water Rate Setting.
4. Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct and 551.072 (Real Estate). Confer with City Attorney regarding Canyon Lake Water SC (CLWSC) desire to purchase a portion of City's interest undivided interest.

Closed Executive Session at 10:23 pm and Reconvened Into Regular Meeting.

**New Business Item 2: A motion was made by Council Member Smith to approve Change Order 006 to the Water Treatment Plant Contract to Include Labor and Materials to Remove Permanent Generator and Provide a Docking Station, then to Add Permanent Generator Back. This Change Order will Increase the Contract by \$32,337.67 and add 4 Days to the Completion of the Project, seconded by Mayor Pro-Tem Saucedo, all in favor, motion carried unanimously.**

**Item 1: A motion was made by Council Member Divine to Approve the Discussed Severance Package for the Finance Director, seconded by Council Member Smith, all in favor motion carried unanimously.**

**Item 2: No action**

**Item 3: No action**

**Item 4: no action**

**Adjournment:**

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

Meeting was adjourned at 10:26 pm.

Respectfully submitted,

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

ATTEST:

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

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

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

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

**Meeting Minutes  
April 28, 2022, 5:00 pm**

A special meeting of the City Council, City of Blanco, Texas was held on April 28, 2022, at 5:00 pm at the Byars Building, 308 Pecan Street, Blanco, Texas.

The meeting was called to order at 5:21 pm by Mayor Rachel Lumpee, followed by roll call (Laurie Cassidy) announcing a quorum was present. The Pledge of Allegiance was led by Mayor Lumpee. Council members present: Mayor Lumpee, Mayor Pro-Tem Saucedo, Council Members Barron and Divine. Council Members Smith and McClellan were absent.

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

Mayor Lumpee made the following announcements: Scenic City Application has been submitted, results expected in June, Chamber is hosting an, Eclipse Town Hall tonight at 6:00 pm at the Courthouse; 4<sup>th</sup> Street Gallery new exhibit "On Shelter" opens April 30; Twin Sisters Dance to be held May 7; County Burn ban off at this time; Joe Garcia Memorial Golf Tournament hosted by the Rotary Club to be held May 9; May is Historic Preservation Month, Community Workshop to be held May 7 at the Byars Building; and lastly happy to announce the City of Blanco is now a Dark Sky Community. Thank you to Blanco County Friends of the Night Sky, City Staff, the Chamber, PEC, the County, and to all the wonderful volunteers who made this happen. There are only 195 Certified International Dark Sky Places in the World!

**Public Comments:**

- None

**Consent Agenda:** *The following items may be acted upon in one motion.* No separate discussion or action is necessary unless requested by the Mayor or a Council Member, in which those items will be pulled for separate consideration.

1. Approval of Interlocal Agreement between the City of Blanco and Blanco County That Identifies the Governmental Entity Authorized to Regulate Subdivision Plats and Approve Related Permits in the City's ETJ.

**A motion was made by Council Member Barron to approve Consent Agenda Item one, seconded by Council Member Divine, all in favor, motion carried unanimously.**

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

1. Consideration, Discussion, and Take Action on Approval of Engagement Letter between the City of Blanco and Belt Harris Pechacek to Perform Audit for Fiscal Year Ending September 30, 2021, at a Cost of \$32,500 (Warren Escovy, City Administrator). RFQ for audit has been a long process. Finance has been working very hard. Mr. Escovy reached out to contact he has relationship with, and they agreed to submit an engagement letter for this year with a five year agreement. Need to complete the budget to satisfy loan requirements with the Texas Water Development Board as well as to move forward with next year's budget. **A motion was made by Council Member Barron to approve Engagement Letter between City of Blanco and Belt Harris Pechacek to Perform Audit for Fiscal Year Ending September 30, 2021, at the cost of \$32,500, seconded by Council Member Divine, all in favor, motion carried unanimously.**

**Adjournment:**

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

Meeting was adjourned at 5:30 pm.

Respectfully submitted,

---

Rachel Lumpee, Mayor

ATTEST:

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Laurie A. Cassidy, City Secretary

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



**CONSENT**

**ITEM #3**

**CITY OF BLANCO, TEXAS**

**GENERAL ELECTION CANVASS OF RETURNS**

**ORDINANCE NO. 2022-O-004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLANCO, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE GENERAL ELECTION, HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS.**

**WHEREAS**, On January 8, 2022, the City Council ordered that a General Election, , be held on the 7<sup>th</sup> day of May 2022, for the purpose of electing three (3) City Council Members; and

**WHEREAS**, Notice of this election was duly published in the Blanco County News on April 13, 2022, and a copy of the notice was posted at City Hall; and

**WHEREAS**, This election was duly and legally held on May 7, 2022, in conformity with the election laws of the State of Texas, and the results of the election have been certified and returned by the proper judges and clerks; and

**WHEREAS**, It appears to the Council, and the Council finds, that the election was in all aspects lawfully held; and

**WHEREAS**, It appears to the Council, and the Council finds, that the tabulation of the results of the election is correct.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLANCO, TEXAS THAT:**

**SECTION 1.** The General Election of May 7, 2022, was duly called, notice of the said election was given and was held in accordance with the law.

**SECTION 2.** The tabulation of votes cast in the General Election held on May 7, 2022, for the purpose of electing three (3) City Council Members, a copy of which is attached to and made a part of this ordinance is adopted as the official tabulation of the votes cast at the election, and the tabulation will be filed and recorded in the official records of the City of Blanco, as the official canvass of the election.

**SECTION 3.** The official canvass of the returns of the election reflects the following:

A. For the positions of three (3) City Council Members, the following candidates received votes as follows:

Votes Cast

Deda Divine  
Mike Smith  
Ryan Moses  
Rodney Thraikill

B. From said returns, duly and legally made, that there were XX votes cast, which are valid legal votes and XX ballots cast.

**SECTION 4.** From said returns, the candidate receiving the top highest votes cast in said election, the following candidates receiving the top three (3) highest votes cast in said election, the following candidates are duly elected as Council Members for the City of Blanco, Texas:

XXX, Place 2  
XXX, Place 3  
XXX, Place 5

The above-named persons hereby are duly elected at said election shall take their respective offices upon their qualification therefore, as provided by the laws of the State of Texas.

**SECTION 5.** The Mayor of the City of Blanco is authorized to execute, and the City Secretary is authorized to attest this Ordinance on behalf of the City Council. The Mayor is further authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

**SECTION 6.** This Ordinance is effective immediately upon its passage and approval.

**SECTION 7.** A quorum of the City Council was present at the meeting at which this Ordinance was adopted. The meeting was open to the public and public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED & APPROVED** this, the \_\_\_\_ day of May, 2022, by a vote of \_\_\_\_  
*ayes*, \_\_\_\_ *nays*, \_\_\_\_ *abstentions* of the City Council of the City of Blanco, Texas.

---

Rachel Lumpee, Mayor

ATTEST:

---

Laurie Cassidy, City Secretary



**CONSENT**

**ITEMS #4, 5, 6**

# City of Blanco

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

## DRAFT

### Memo

To: City Administrator Warren Escovy  
From: Interim Finance Director Rosie Vela  
Subject: Amendment of FY2021-2022 Budget  
Date: April 26, 2022

In reviewing the Fiscal Year 2021-2022 Budget, I recommend several changes:

#### **Water Fund:**

- In the Water Fund, \$425,000 was budgeted as revenue for Water Meter Deposits for Fiscal Year 2021-22. However, Meter Deposits are not revenue to the Water Fund and have to be refunded to the customer when the account is closed. Therefore, I recommend that we delete this revenue from the revenue budget.
- Also in the Water Fund, \$75,670 was budgeted as "Utilities – Other". No funds have been received into this account to date, and it appears that this was an error. I recommend that we delete this account from the revenue budget.
- Sales tax revenue of \$21,000 was budgeted as revenue for the Water Fund. However, the Water Fund is not entitled to Sales Tax Revenue, and this is merely revenue that is collected from our utility customers and then remitted to the State Comptroller's Office. The City does receive Sales Tax Revenue, but only in the General Fund and this is received through the Comptroller's Office. I recommend that we delete this amount from the Water Fund also.

#### **➤ Total Reduction in revenues to the Water Fund: \$521,670**

- During Fiscal Year 2021, the Texas Water Development Board approved a loan of \$3.4 million to the City of Blanco to build a new water plant. During Fiscal Year 2021 \$99,682 was expended on this project. During Fiscal Year 2022, \$3,300,319 was available to be appropriated for this project, but was inadvertently omitted from the Fiscal Year 2021-22 Budget. Therefore, I recommend that we increase both the revenue and expenditure budgets for the Water Fund by \$3,300,319 to cover costs for this project.

- **Total increase to revenues and expenditures to the Water Fund:  
\$3,300,319**

**General Fund:**

- All the City's property taxes were budgeted in the General Fund, with an offsetting transfer to the Debt Service Fund for its portion of property taxes. Of the total amount of budgeted property taxes of \$761,099, \$454,402 belongs to the Debt Service Fund. Since the taxes are adopted separately by ordinance for the General Fund and the Debt Service Fund, it is appropriate to reflect the taxes in their respective funds. I recommend that we amend the FY2022 budget to reflect Debt Service Fund taxes of \$454,402 in the Debt Service Fund, and General Fund taxes of \$306,697 in the General Fund.

- **Reduction in taxes for the General Fund: \$454,402; Increase in taxes for the Debt Service Fund: \$454,402**

Please let me know if you have any questions on these items.



Form #2204 Rev 9/2017

This space reserved for office use

Submit to:  
SECRETARY OF STATE  
Government Filings Section  
P O Box 12887  
Austin, TX 78711-2887  
512-463-6334  
FAX 512-463-5569  
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,  
I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully  
execute the duties of the office of City of Blanco, City Council of  
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws  
of the United States and of this State, so help me God.

\_\_\_\_\_  
Signature of Officer

Certification of Person Authorized to Administer Oath

State of \_\_\_\_\_

County of \_\_\_\_\_

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Affix Notary Seal,  
only if oath  
administered by a  
notary.)

\_\_\_\_\_  
Signature of Notary Public or  
Signature of Other Person Authorized to Administer An  
Oath

\_\_\_\_\_  
Printed or Typed Name

**OLD BUSINESS**

**ITEM #1**



# City of Blanco

P.O. Box 750 Blanco, Texas 78606

Office 830-833-4525 Fax 830-833-4121

STAFF REPORT: 5/10/22

**DESCRIPTION:** 42 on 32 RV Park is an RV Park located outside the City of Blanco and it's ETJ on the north side Ranch Road 32. It is a full service park with 114 RV slots which are provided with City Water. It is not located in the City and therefore qualifies to pay a higher rate than inside the City as those Commercial customers pay City taxes. Staff is presenting a development agreement for Planning Commission's review that will be recommended to City Council.

**ANALYSIS:** On December 15th, 2021 the City Administrator sent a letter to the 42 on 32 RV Park to inform the owner that it was the belief of administration that the RV Park was operating a public water system and was distributing water to residents of the RV park while only paying for one connection. It was later determined by the TCEQ that 42 on 32 RV Park is NOT operating a public water system. For the first year or so the RV Park was only being charged for one connection (\$77.25 service charge at the Rate code 7 for outside the City). The RV Park was being charged about \$1400 a month during the off-season. The new charge that was put in place for the January 2022 bill (\$77.25 service charge times 114 connections) have provided bills that are between \$10,000 and \$11,000 monthly during the off-season.

So the reason for the disparity in the bill was that 42 on 32 RV Park was being given one water connection or "tap" but they were in turn distributing this water to 114 separate locations (RV slots). A single-family home may use 8,000 gallons to 10,000 gallons of water a month whereas an RV's average is anywhere between 1500 to 2000 gallons. The other issue is that the 114 RV slots are probably have about a 75% residency annually.

Planning and Zoning's recommendation was to mirror the actual amount proposed by staff but to have the base fee be \$40 multiplied by the number of connections (currently 114) so that if more connections are added it is clear how much the applicant will pay.

The net difference is that the charge will go down from about \$10,500 to about \$5800. The previous billing in 2021 was inaccurate and did not account for the multiple RVs that use the water. Another portion of the development agreement is that the water features (lake, water park, irrigation) will not be provided by City Water.



FISCAL IMPACT: For a 90,000 gallon usage per month the difference between the current charge and the proposed charge is about \$10,156.50 to about \$5,850.

**RECOMMENDATION:**

Planning and Zoning Commission recommendation is to approve a development agreement to charge for 114 connections at \$40 with the current volumetric rate. Further recommendation is no water features or irrigation is provided by City Water.

## WATER SUPPLY & FEE AGREEMENT

This Water Supply & Fee Agreement ("Agreement") is between the City of Blanco, Texas, an incorporated Type A, general law municipality (the "City"), and 42 on 32 RV Park, L.L.C., a Texas limited liability company ("Developer"). In this Agreement, the City and Developer are sometimes individually referred to as a "Party" and collectively referred to as the "Parties".

### RECITALS:

WHEREAS, Developer has developed approximately \_\_\_\_\_ acres of land (the "Land") located outside of the City limits but within the City's ETJ, which currently enjoys 114 water connections for the provision of City water to its RV park;

WHEREAS, Developer has requested the City provide a water rate of the following: 90 connections at \$50 per connection, current volumetric charge (see Exhibit A), and a condition that no water feature (including water parks, ponds, swimming pool, etc) will be provided by the City or with City water;

WHEREAS, City has determined that Developer's request is in part in the best interest of the City, and has agreed to certain provisions of Developer's request; and

WHEREAS, Developer wishes to accept the terms and conditions proposed by the City;

NOW, THEREFORE, the Parties agree as follows:

[ARTICLE I SPECIFIC PROVISIONS]

.....

[ARTICLE II OTHER PROVISIONS]

### ARTICLE III GENERAL PROVISIONS

3.1 Term. The term of this Agreement will commence on the date the last Party executes this Agreement and continue until the Developer has been fully reimbursed for the Project Costs. Following expiration of the term of this Agreement, the Land will continue to receive water and sewer service from the City under the same terms and conditions as other users within the City's corporate limits.

3.2 Assignment & Binding Effect. Developer may assign its rights under this Agreement, in whole or in part, to any successor in title to the Land. In such event, Developer shall deliver written notice of such assignment to the City. The provisions of this Agreement will be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

3.3 Governing Law, Jurisdiction & Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. The Parties acknowledge that this Agreement is performable in Blanco County, Texas, and hereby submit to the exclusive jurisdiction of the courts of that County, and hereby agree that any such Court shall be a proper forum for the determination of any dispute arising hereunder.

3.4 Severability. If any provision of this Agreement is found by a competent court to be illegal, invalid, or unenforceable under present or future laws, then, and in that event, it is the intention of the Parties that the remainder of this Agreement, including the remainder of a provision only part of which is invalid, shall not be affected.

3.5 No Third-Party Beneficiary. This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a Party, unless expressly otherwise provided.

3.6 Default. If a Party defaults in its obligations under this Agreement, another Party must, prior to exercising a remedy available to that Party due to the default, give written notice to the defaulting Party, specifying the nature of the alleged default and the manner in which it can be satisfactorily cured, and extend to the defaulting Party at least thirty (30) days from receipt of the notice to cure the default. If the nature of the default is such that it cannot reasonably be cured within the thirty (30) day period, the commencement of the cure within the thirty (30) day period and the diligent prosecution of the cure to completion will be deemed a cure within the cure period.

3.7 Remedies for Default. If a Party defaults under this Agreement and fails to cure the default within the applicable cure period, the non-defaulting Party will have all rights and remedies available under this Agreement or applicable law, including the right to institute legal action to cure any default, to enjoin any threatened or attempted violation of this Agreement or to enforce the defaulting Party's obligations under this Agreement by specific performance or writ of mandamus. All remedies available to a Party will be cumulative and the pursuit of one remedy will not constitute an election of remedies or a waiver of the right to pursue any other available remedy.

3.8 Attorneys' Fees. The prevailing Party in any dispute under this Agreement will be entitled to recover from the non-prevailing Party its reasonable attorneys' fees, expenses, and

court costs 'in connection with any original action, any appeals, and any post-judgment proceedings.

3.9 Waiver. Any failure by a Party to insist upon strict performance by the other Party of any provision of this Agreement will not, regardless of the length of time during which that failure continues, be deemed a waiver of that Party's right insist upon strict compliance with all terms of this Agreement. To be effective as to a Party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default or of the right to require performance of the same or any other provision of this Agreement in the future.

3.10 Entire Agreement. This Agreement contains the entire agreement of the Parties, and there are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this Agreement. This Agreement may be amended only by written agreement signed by the Parties.

3.11 Exhibits, Headings. Construction & Counterparts. All exhibits. attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and the singular may include the plural, and vice-versa. Each of the Parties has been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not be employed in interpreting this Agreement including its exhibits. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts, individually or taken together, bear the signatures of all the Parties.

3.12 Time. Time is of the essence of this Agreement. In computing the number of days for purposes of this Agreement, all days will be counted, including Saturdays, Sundays, and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday, or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday, or legal holiday.

3.13 Authority for Execution. The City certifies, represents, and warrants that the execution of this Agreement has been duly authorized, and that this Agreement has been approved in conformity with City ordinances and other applicable legal requirements. Developer certifies, represents, and warrants that the execution of this Agreement is duly authorized in conformity with its authority.

3.14 Notices. Any notices or approvals under this Agreement must be in writing may be sent by hand delivery, facsimile (with confirmation of delivery) or certified mail, return receipt requested, to the Parties at the following addresses or as such addresses may be changed from time to time by written notice to the other Party:

CITY:

City Administrator  
City of Blanco  
P. O. Box 384  
Blanco, Texas 78620  
Fax: (512) 858-5646

DEVELOPER:

42 on 32 RV Park  
895 RR 32  
Blanco, Texas 78606  
Fax: ( ) -

The Parties may change their mailing address at any time by giving written notice of such change to the other in the manner provided herein at least ten (10) days prior to the date such change is affected. All notices under this Agreement will be deemed given on the earlier of the date personal delivery is affected or on the delivery date or attempted delivery date shown on the return receipt or facsimile confirmation.

3.15 Exhibits. The following exhibits are attached to this Agreement and made a part hereof for all purposes:

XX

XX

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement on the dates indicated below, to be effective on the date the last party signs.

CITY OF BLANCO:



By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date: \_\_\_\_\_

DEVELOPER:

42 on 32 RV Park, L.L.C.,  
a Texas limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date: \_\_\_\_\_

Exhibit \_\_ Rate Agreement

# AUDIT HISTORY

Program Version 22.4.100

Account: 1346

42 ON 32 RV PARK  
42 HWY 32 & 281

Date	Amount	Description	Balance
2/11/2022	\$1,019.25	Late Charge	\$11,211.75
2/16/2022	(\$1,019.25)	Manually Removed Late Charge	\$10,192.50
2/17/2022	(\$10,192.50)	Payment Check # 2425	\$0.00
2/18/2022	\$10,068.00	Usage of 87100 Water	\$10,068.00
2/18/2022		Billed for 114 units	
		Beginning Month Balance	\$10,068.00
3/11/2022	\$1,006.80	Late Charge	\$11,074.80
3/14/2022	(\$10,068.00)	Payment Check # 2436	\$1,006.80
3/21/2022	\$10,089.00	Usage of 88500 Water	\$11,095.80
3/21/2022		Billed for 114 units	
		Beginning Month Balance	\$11,095.80
4/12/2022	\$1,008.90	Late Charge	\$12,104.70
4/12/2022	(\$1,008.90)	Manually Removed Late Charge	\$11,095.80
4/13/2022	(\$11,095.80)	Payment Check # 2467	\$0.00
4/14/2022	\$9,792.00	Usage of 68700 Water (114 Units)	\$9,792.00

Totals for Water	63,785.25
Totals for Late Charge	1,146.98
Totals for Adjustments	1,402.50
Payments Received	57,370.73
Total Usage Amount	1,309,700

Qualified By: Account # 1346  
City of Blanco

# AUDIT HISTORY

Program Version 22.4.100

Account: 1346

42 ON 32 RV PARK  
 42 HWY 32 & 281

Date	Amount	Description	Balance
		Beginning Month Balance	\$828.00
1/6/2021	(\$828.00)	Payment Credit Card	\$0.00
1/15/2021	\$75.00	Usage of 0 Water	\$75.00
1/22/2021	\$811.50	Corrected Usage of 57100 Water	\$886.50
		Beginning Month Balance	\$886.50
2/8/2021	(\$886.50)	Payment Credit Card	\$0.00
2/25/2021	\$1,402.50	Usage of 91500 Water	\$1,402.50
		Beginning Month Balance	\$1,402.50
3/8/2021	(\$1,402.50)	Payment Credit Card	\$0.00
3/8/2021	(\$1,402.50)	Payment Credit Card	(\$1,402.50)
3/17/2021	\$697.50	Usage of 44500 Water	(\$705.00)
3/19/2021	\$1,402.50	Adjustment-Other adjustment	\$697.50
3/19/2021		PSN DOUBLE CREDIT 3/8/21 DEBIT TO CLEAR	
		Beginning Month Balance	\$697.50
4/7/2021	(\$697.50)	Payment Credit Card	\$0.00
4/13/2021	\$1,012.50	Usage of 65500 Water	\$1,012.50
		Beginning Month Balance	\$1,012.50
5/6/2021	(\$1,012.50)	Payment Credit Card	\$0.00
5/19/2021	\$1,174.50	Usage of 76300 Water	\$1,174.50
		Beginning Month Balance	\$1,174.50
6/7/2021	(\$1,174.50)	Payment Credit Card	\$0.00
6/18/2021	\$990.00	Usage of 64000 Water	\$990.00
		Beginning Month Balance	\$990.00
7/6/2021	(\$990.00)	Payment Credit Card	\$0.00
7/15/2021	\$1,824.00	Usage of 119600 Water	\$1,824.00
		Beginning Month Balance	\$1,824.00
8/6/2021	(\$1,824.00)	Payment Credit Card	\$0.00
8/17/2021	\$1,399.50	Usage of 91300 Water	\$1,399.50
		Beginning Month Balance	\$1,399.50
9/7/2021	(\$1,399.50)	Payment Credit Card	\$0.00
9/16/2021	\$1,167.00	Usage of 75800 Water	\$1,167.00
		Beginning Month Balance	\$1,167.00
10/6/2021	(\$1,167.00)	Payment Credit Card	\$0.00
10/14/2021	\$1,582.50	Usage of 103500 Water	\$1,582.50
		Beginning Month Balance	\$1,582.50
11/8/2021	(\$1,582.50)	Payment Credit Card	\$0.00
11/16/2021	\$1,401.75	Usage of 91300 Water	\$1,401.75
		Beginning Month Balance	\$1,401.75
12/13/2021	\$140.18	Late Charge	\$1,541.93
12/21/2021	\$10,105.50	Usage of 89600 Water	\$11,647.43
12/21/2021		Billed for 114 units	
12/30/2021	(\$1,541.93)	Payment Credit Card	\$10,105.50
		Beginning Month Balance	\$10,105.50
1/10/2022	(\$10,105.50)	Payment Check # 2405	\$0.00
1/25/2022	\$8,806.50	Usage of 0 Water	\$8,806.50
1/25/2022		Billed for 114 units	
1/28/2022	\$1,386.00	Corrected Usage of 95400 Water	\$10,192.50
1/28/2022		Billed for 114 units	
		Beginning Month Balance	\$10,192.50

outside

Thursday, April 28, 2022

**RATE CODE # 7**  
**COMMERCIAL OSCL**

Service	Charge	Usage Amount	Water Charge	Sewage Charge
Water	\$77.25	0	Minimum Charge	
Sewage	\$32.00	2,000	\$12.00	
Garbage		8,000	\$12.00	\$3.750
Infrastructure Fee		10,000	\$13.50	\$3.750
Brush Disposal		Remainder	\$15.00	\$3.750
Load Fees		0		
Other 4 Charge		0		
Late Charges		0		
Fixed		0		
Percentage 10.00 %		0		
Tax		0		
8.25 %				
		Billing Day 25		
		Due Day 10		

City of Blanco

inside City

Thursday, April 28, 2022

# RATE CODE # 5 COMMERCIAL 1

Service	Charge	Usage Amount	Water Charge	Sewage Charge
Water	\$30.90	0	Minimum Charge	
Sewage	\$32.00	2,000	\$8.00	
Garbage	\$19.35	8,000	\$8.00	\$2.500
Infrastructure Fee		10,000	\$9.00	\$2.500
Brush Disposal		Remainder	\$10.00	\$2.500
Load Fees		0		
INDUSTRIAL WASTE WA'		0		
Late Charges	Alternate Charges	0		
	\$14.98	0		
Fixed	\$29.96	0		
Percentage 10.00 %	\$44.95	0		
Tax	\$99.75	0		
8.25 %	\$165.92			
		Billing Day 25		
		Due Day 10		

City of Blanco

In. de City

Thursday, April 28, 2022

# RATE CODE # 6 COMMERCIAL 2

Service	Charge	Usage Amount	Water Charge	Sewage Charge
Water	\$51.50	0	Minimum Charge	
Sewage	\$32.00	2,000	\$8.00	
Garbage	\$19.35	8,000	\$8.00	\$2.500
Infrastructure Fee		10,000	\$9.00	\$2.500
Brush Disposal		Remainder	\$10.00	\$2.500
Load Fees		0		
INDUSTRIAL WASTE WA'		0		
Late Charges	Alternate Charges	0		
	\$14.98	0		
Fixed	\$29.96	0		
Percentage 10.00 %	\$44.95	0		
Tax	\$99.75	0		
8.25 %	\$165.92			
		Billing Day 25		
		Due Day 10		

City of Blanco



# City of Blanco

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

December 15, 2021

**VIA HAND DELIVERY**

42 on 32 RV Park  
ATTN: Wayne Dworaczyk  
711 Ranch Road 32  
Blanco, TX 78606

RE: Water Service, 42 on 32 RV Park, 711 Ranch Road 32

Dear Mr. Dworaczyk:

The following has come to the attention of the City of Blanco regarding water service at the above address:

1. The City believes that you may be operating a public water system (serving at least 25 individuals for at least 60 days out of the year), which could violate TCEQ regulations governing systems operations. We have reported this possible violation to the regional office of TCEQ.
2. The water service application for your business that you submitted to the City of Blanco did not indicate that you would be operating a "public water system". Nor did your application indicate you would be serving 114 customers.
3. The City is distributing water to your business without a development agreement. Because your location is outside of the city limits, a development agreement with the City of Blanco is required and should have been negotiated and executed prior to establishing water service. To avoid termination of your water service, it is imperative that we initiate negotiations immediately and execute a development agreement as soon as possible.
4. Our records indicate you are paying the commercial rate for water for one unit charge. However, you should be charged for 114 units. Consequently, the unit numbers will increase to 114 on your next water bill, and you will begin paying the corrected amount to the City of Blanco.
5. The City of Blanco will be assessing the lost revenue to the City from the inception of your account, and you will be billed accordingly.





Please contact me so that we can begin to remedy the above conditions immediately.

Respectfully,

Kelly Kuenstler  
City Administrator

xc: Tim Tuggey, City Attorney  
Tom Turk, City Engineer  
Chad Ahlgren, TCEQ

**OLD BUSINESS**

**ITEM #2**

## **SHORT-TERM RENTAL ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF BLANCO CODE OF ORDINANCES, CHAPTER 9, "PLANNING AND DEVELOPMENT", AND EXHIBIT A THERETO (UNIFIED DEVELOPMENT CODE) (UDC) BY AMENDING RELEVANT SECTIONS OF SUCH CODE; CREATING UNDER CHAPTER 5, "BUSINESS REGULATION", A NEW ARTICLE 5.04, ENTITLED "REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS"; AND CHAPTER 2, "ADMINISTRATION AND PERSONNEL", ARTICLE 2.08, ENTITLED "TAXATION"; ESTABLISHING REQUIREMENTS AND REGULATIONS FOR USE OF PROPERTY AS A SHORT-TERM RENTAL; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$300.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City Council of the City of Blanco ("City") is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which impact the health, safety and well-being of residents, citizens, and inhabitants; and

**WHEREAS**, the City Council finds that there are certain owners of residential short-term rental properties within the City who do not provide adequate information on how they may be contacted; and

**WHEREAS**, the City Council finds that there are owners of residential short-term rental properties who do not reside locally or who reside out-of-state; and

**WHEREAS**, the City Council finds that there are owners of certain residential short-term rental properties that do not pay the required hotel/motel occupancy tax; and

**WHEREAS**, the City Council desires to preserve and enhance residential neighborhoods and property values within the City; and

**WHEREAS**, in consideration of the foregoing, and other matters before City Council, the City Council of the City has determined that it would be advantageous, beneficial and in the best interest of the citizens of the City to amend certain provisions of the City's Code of Ordinances, Chapter 9, "Planning and Development" and Exhibit A thereto, Unified Development Code (UDC), and Chapter 5, "Business Regulation", to create a new Article 5.04, in the City's Code of Ordinances, entitled "Additional Requirements for Properties Used as Short-Term Rentals"; and amend Chapter 2, "Administration and Personnel", Article 2.08, entitled "Taxation";

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLANCO, STATE OF TEXAS:**

**SECTION 1. FINDINGS OF FACT.**

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2. AMENDMENTS TO THE CITY OF BLANCO CODE OF ORDINANCES, CHAPTER 9, "PLANNING AND DEVELOPMENT", AND EXHIBIT A THERETO (UNIFIED DEVELOPMENT CODE) (UDC) BY AMENDING RELEVANT SECTIONS OF SUCH CODE; CHAPTER 5, "BUSINESS REGULATION", CREATING NEW ARTICLE 5.04, ENTITLED "REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS"; AND CHAPTER 2, "ADMINISTRATION AND PERSONNEL", ARTICLE 2.08, ENTITLED "TAXATION".**

The Code of Ordinances of the City, Chapter 9, "Planning and Development", at Exhibit A, UDC, is hereby amended to add or amend certain definitions, amend provisions relating to the process of amending or creating exceptions and conditions to current property uses under the City's Comprehensive Plan and Zoning map; and under Chapter 5, "Business Regulation", create a new Article 5.04, entitled as "Additional Requirements for Owners of Properties Used as Short-Term Rentals", as follows:

**A. DEFINITIONS.** The following definitions under Section 1.13 Definitions, of the City's UDC are hereby amended, in part or whole, as stated below, or adopted in their entirety as new definitions, and if applicable, thus repeal and replace the current definition stated if such definition is currently stated within the City's UDC:

**ACCESSORY STRUCTURE/USES**

An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures may include a detached garage, storage shed, residential garage, guest house, and other similar structures.

**APARTMENT**

A building or group of buildings which contain multiple dwelling units for rent to multiple families or individuals. Apartments may be leased, rented, or owned in a condominium style of ownership. Such facilities are not regulated as STRs and prohibited from receiving STR permits.

**DUPLEX, RESIDENTIAL**

The use of a site for two dwelling units, within a single building, other than a manufactured home. These facilities are not regulated as STRs and prohibited from receiving STR permits unless they are owner-occupied.

#### **GUEST**

The overnight occupants, who are eighteen (18) years or older, renting temporary transient lodging for a specified period and the daytime visitors of the overnight occupants.

#### **LOCAL CONTACT PERSON**

The Owner, Operator, or person designated by the Owner or the Operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short-term Rental.

#### **MOTEL**

A building, or group or cluster of buildings, containing three (3) or more transient guest rooms or separate dwelling units or small structures, where access to individual units is made directly from exterior walkways or courts and which are used, rented, or hired for lodging or sleeping purposes by transient guests. The term motel may also sometimes refer to a tourist court, auto court or motor lodge. These facilities are not regulated as STRs and prohibited from receiving STR permits.

#### **MULTIPLE FAMILY RESIDENTIAL**

The use of a site for three or more dwelling units, within one or more buildings, including apartments, triplexes, and fourplexes intended for rental, lease, or condominium ownership. The term multiple family does not include bed and breakfast lodging, manufactured housing, single-family detached or attached residential uses. These facilities are prohibited from obtaining STR permits.

#### **OPERATOR**

The Owner or the Owner's authorized representative who is responsible for advertising and/or operating a Short-term Rental.

#### **OWNER**

The person or entity that holds legal or equitable title to a property.

#### **SHORT-TERM RENTAL (STR)**

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, that is not owner-occupied (other than a duplex), which includes but is not limited to a single-family residence, townhouses, owner-occupied duplex, accessory structure, short-term rental dwelling unit, bed and breakfast, and other residential real estate improvements, in which the public may obtain sleeping accommodations for a period less than thirty (30) consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. This term does not apply to duplexes (unless they are owner-occupied), multi-family projects, apartment complexes, hotels, motels, or recreational vehicle parks. This term is a general definition of STRs and is inclusive of the distinct types of STRs.

**SHORT-TERM RENTAL, DWELLING UNIT**

A short-term rental dwelling unit is defined as a structure, including an individual room within a larger structure, which is rented separately from other rental units on the property, for the purpose of transient or guest lodging. Each individual short-term rental dwelling unit shall be required to obtain a separate short-term rental permit, unless it is a part of a bed and breakfast.

**SHORT-TERM RENTAL PERMIT.**

A permit issued by the City authorizing the use of a privately owned dwelling as a Short-term Rental.

**B. AMENDMENTS TO APPROVAL CRITERIA FOR SPECIAL USE PERMIT.** The following provisions amend Chapter 3.5(4) of the City's UDC to create and adopt new provisions of such Chapter, and create and adopt consistent cross-references and amendments in applicable provisions of Chapter 2 & 3, as follows:

1. The following amendment is adopted as a new general criteria for approval of a Special Use Permit, at Chapter 3.5(4)(c) i.5, as follows:

5. Compatibility with existing or permitted uses on abutting sites or within the area of the proposed use, and the relationship between the proposed use and the following:

1. Buffers
2. Driveways
3. Parking Areas

2. Additional Criteria for Short-term Rentals. In addition to the foregoing criteria, the following criteria shall be applied to any application for a Special Use Permit for a short-term rental. Such criteria are adopted here as an amendment to Chapter 3.5(4)(c) iii, as follows:

iii. Additional Criteria for Short-term Rentals.

1. The property affected by the request is within a R1, R2, R3, or R5 zoning district.

2. The property affected by the application, if granted, will not substantially impact, affect, or impair the underlying character or usage within the zoned district in which the property is located.

3. The application if granted will have no adverse effect on any property within one thousand (1000) feet of the affected property and is not immediately adjacent to another short-term rental.

4. The proposed property occupancy relative to the size of the property.

5. The applicants' consent and agreement to operate in accordance with the other requirements for short-term rentals set forth in the City's Code of Ordinances.

6. The application if granted will not result in permitting more than 20% of the primary residences in a city block or similar geographic area as STRs.

**C. ADDITIONAL REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS.** The following provisions are adopted under the City's Code of Ordinances, Chapter 5, "Business Regulation", to create a new Article 5.04, entitled as "Additional Requirements for Owners of Properties Used as Short-Term Rentals", as follows:

General Requirements: All short-term use facilities shall be subject to the following requirements in addition to those otherwise set forth in the City's Code of Ordinances:

1. Food Service:

a. Only overnight guests may receive food service, except in City zones permitting restaurant services.

b. Such food service shall be limited to continental style breakfast, consisting of pastries prepared by a licensed provider, and pre-packaged milk, cereal, fruit, fruit juice and coffee, unless the facility meets the State of Texas and Blanco County Health Division requirements for commercial food service, or is a bed and breakfast that otherwise meets such requirements.

2. Signs: All signs must comply with the City's sign ordinance. A two (2) square foot nameplate may be attached to the structure.

3. Code Compliance Generally: All short-term rental facilities must comply with City code provisions applicable to the zoning then applicable to the area in which the facilities are located, and with all federal, State of Texas, and City of Blanco building codes for existing or new construction.

4. Fire & Safety: Short-term rental uses shall comply with the regulations for Fire Protection set forth in the appropriate NFPA 101 Life Safety Code.

5. External lighting: All external lighting shall be shielded from adjoining properties and comply with the City's outdoor lighting ordinances.

6. Historic Overlay District.

a. Properties located in the Historic Overlay District shall be developed in accordance with the development standards of the base zoning district and all other City regulations and ordinances, subject to the following restriction:

i. Density shall be in accordance with the base zoning district, except that the number of STR structures shall be limited to a maximum of one (1) structure per three thousand (3,000) square feet of land.

ii. Commercially zoned properties in the Historic Overlay District shall be developed in accordance with the base zoning district and all other City regulations and ordinances.

7. Utilities. Each STR shall be served by a single water and electrical meter, unless the STR is a bed and breakfast, or the STR dwelling unit is a single room within a larger or main structure.

8. Trash & Solid Waste. Each STR shall provide a minimum of ninety-six-gallons (96 gals) of bulk garbage container capacity, or equivalent, for every four (4) occupants, based on the maximum permitted occupancy for the STR.

9. Quiet Hours. Each STR use shall have signage posted in a prominent location in the rear yard or other common gathering area, providing the occupants and guests with notice of the nighttime hours, as set forth in the City's Noise and Sound Level Regulation ordinance.

10. Permitting. It shall be unlawful for any person or entity to rent, or offer to rent, any Short-term Rental without a valid Short-term Rental Permit issued by the City.

a. A separate Short-term Rental Permit application and application fee must be submitted for each individual Short-term Rental dwelling unit, unless the STR is a bed and breakfast, in which case one application shall be submitted. Unless the applicable property is subject to vested rights as a pre-existing STR, any such application shall be deemed an application for a Special Use Permit and shall be reviewed and evaluated in accordance with other relevant provisions of the City's UDC. An applicant shall apply for a Short-term Rental permit using a format and method promulgated by the City Administrator or his/her designee.

If an application for a Short-term Rental Permit states a claim of vested rights because it relates to and covers a pre-existing STR operating prior to the adoption of this ordinance, then the applicant shall also submit with the application evidence acceptable to the City of pre-existing operation as a STR. Evidence of collection and remittance of hotel occupancy taxes shall be deemed sufficient evidence of such pre-existing operation. The absence of prior collection of hotel occupancy taxes creates a rebuttable presumption of no pre-existing STR operation, which the applicant may rebut with other substantial and good faith evidence acceptable in the City's sole and reasonable discretion. If the City determines that any application relates to a pre-existing STR, then a Special Use Permit shall be subject to review only for general compliance as set forth herein, and not under the general requirements for a special use permit under other provisions of the City's UDC.

In any event, the application form shall require, at a minimum, the following information from applicants:



1. The name, address, email, and telephone number of the Owner of the Short-Term Rental.
  2. The name, address, email, and telephone number of the Operator of the Short-Term Rental.
  3. The name, address, email and 24-hour telephone number of the Local Contact Person.
  4. The name and address of the Short-Term Rental.
  5. The number of bedrooms and the proposed overnight and daytime occupancy limit of the Short-Term Rental.
  6. A site plan showing the proposed layout of the property use and any on-site parking available for the Short-Term Rental. The site plan shall also include any proposed spas, hot tubs, pools, fire pits, bars, cabanas, and any other proposed uses or structures.
  7. A floorplan of the existing or proposed structure to include bedroom sizes and dimensions.
  8. A general description of any food service to be offered to Guests of the Short-Term Rental.
- b. At the time of submission of the application for a permit, the applicant shall submit the permit application fee of \$300, portions of which the City may defer and allocate as nonrefundable or refundable based upon final action on the permit application.
  - c. Unless the STR is a bed and breakfast, each individual Short-term Rental dwelling unit shall be assigned a unique permit number upon permit issuance by the City. The City Administrator shall issue unique, numbered decals or stickers which the Owner shall affix to the dwelling unit. The City administration shall maintain a register of all such permits, including the location of each permitted dwelling.
  - d. Except as provided herein, STR permits may not be transferred to new owners. Upon sale or other ownership transfer of the STR dwelling unit, the permit shall remain in force for a period of 60 days thereafter, during which time the new owner(s) may file an application for a new permit. Any such application shall be deemed a new permit application under Section 10.a. above, unless at the time the existing permit was granted the STR held and retained vested rights based on operation as a STR prior to the effective date of this ordinance. If no such application is made within the 60-day period stated above, the existing permit shall be void with no further force and effect whatsoever. Transfers of ownership among or between immediate family members, their heirs or devisees, or business entities under the control of the original owner, their immediate family members, or their heirs or devisees, are not subject to the foregoing transfer conditions, and shall not affect nor void the underlying permit.

Initial transfers of ownership by the initial permit holder of a STR which holds vested rights based on operation as a STR prior to the effective date of this ordinance are not subject to the foregoing transfer conditions; provided, the new owner of any such STR shall provide evidence satisfactory to the City, in the time period allotted under paragraph 10.h. below, of continuous operation of the STR since the date the STR permit was granted. Subsequent transfer(s) of any such STRs shall be subject to the transfer conditions stated herein.

e. Prior to issuance of a STR Permit, the Operator shall allow an on-site inspection by City staff, to ensure compliance with City's ordinances and regulations.

f. Inspections shall also be required when a new STR permit is required as the result of a sale or transfer to another owner, or when additions or modifications are performed to the property which requires a City building permit.

g. Notwithstanding the foregoing, STRs may be inspected by the City or its designee every other year, regardless of the date of the last inspection, or at such other times designated by the City.

h. In the event of any transfer, whether or not permitted under paragraph 10.d. above, a new owner of an STR has thirty (30) days to update the City of changes to ownership, contact information, management company information, and Local Contact Person. In addition, if applicable, the new owner shall provide evidence of continuous operation required under paragraph 10.d. above.

j. The Owner shall notify the City within ten (10) business days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this Section.

k. Changes or modifications to the property that result in non-compliance with City ordinance or other applicable law shall void the existing STR permit.

l. An application for Short Term Rental Permit may be denied if the Owner has had a Short- Term Rental Permit suspended or revoked during the previous 365-calendar days before submission of the relevant application.

m. No more than two (2) Short-term Rental Permits shall be issued for any single residential-zoned and platted property lot within the City; provided, if the STR is a bed and breakfast, one such Permit may be issued for the property.

n. Any Short-term Rental permit shall terminate and be considered abandoned if there is evidence of no transient lodging rental activity, based in part on the state occupancy tax reports, for a period of nine (9) consecutive months. The burden is on the property owner to prove the property has been in continuous use as a STR.

**11. General Operational Requirements.**

**a. The Operator shall post the following information in a prominent location within the Short-Term Rental Unit, using a form promulgated by the City stating:**

- 1. The unique Short Term Rental Permit number assigned to the Short-Term Rental Unit;**
- 2. Operator name and phone number;**
- 3. Contact person name and number;**
- 4. The location of any on-site and off-site parking spaces available for Guests. The owner must limit guests' vehicles to the number of off-street parking spaces provided. The number of permitted vehicles shall be included on any advertisement of the rental unit;**
- 5. Instructions to Guests concerning disposal of garbage and handling of garbage containers; and**
- 6. Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Article.**

**b. The Operator shall operate a Short-Term Rental in compliance with the following:**

- 1. Zoning regulations prescribed for the zoning district in which such Short-Term Rental is located;**
- 2. Maximum occupancy limits prescribed in this ordinance, or by the City Fire Marshal pursuant to the International Fire Code;**
- 3. City of Blanco Hotel Occupancy Tax Ordinance, set forth in the Code of Ordinances;**
- 4. City of Blanco Noise and Sound Level Regulation Ordinance, set forth in the Code of Ordinances;**
- 5. City of Blanco Garbage Collection Ordinance, set forth in the Code of Ordinances; and**
- 6. During any period when a Short-Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of guests of the Short-Term Rental.**

**a. The Local Contact Person shall respond within 60 minutes of being notified of concerns or requests for assistance regarding the condition, operation,**

or conduct of guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.

b. Failure to respond in the required timeframe shall be a violation of this ordinance.

c. Any advertisement that promotes the availability of a Short-Term Rental, listed in any medium, including newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City and the number of available parking spaces provided for each rental unit.

## 12. Complaints

a. Complaints related to the operation of a Short-Term Rental, including complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office.

1. When the City's Code Enforcement Officer is unavailable, all calls shall be directed to the City's Police Department.

2. Any noise complaints, after 10:00 p.m. shall be directed to the City's Police Department.

## 13. Enforcement.

a. It shall be unlawful for any person or entity to violate any provision of this Ordinance. Proof that a violation occurred at a Short-Term Rental shall create a rebuttable presumption that the Owner of said Short-Term Rental committed the violation.

1. Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-6 of this Code of Ordinances.

2. Penalties provided for herein are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

3. Any property operating as an STR, without a permit, shall be prohibited from receiving an STR permit for a minimum of one (1) year.

b. Fines & Revocation; Other Enforcement Action

1. Each violation of this ordinance shall be punishable by a fine not to exceed \$300.

2. Each violation of this ordinance may be punishable by a suspension or revocation of the STR permit for a period of not more than one year.

3. Permits shall be revoked automatically for a period of one year on the third violation in any one calendar year.

4. If an Owner operates a STR without permit, or after revocation of a permit, in violation hereof, the City may take additional enforcement action including a shutoff of utility service to the applicable premises.

c. Notice of Suspension or Revocation. Upon conviction for a violation of this Article, the City may suspend or revoke any Short-Term Rental Permit issued for the same Short-Term Rental where the violation occurred. The City shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

d. Appeal. An Owner may appeal a suspension or revocation under this Section by filing a written appeal with the City Administrator within ten (10) business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Administrator related to the suspension or revocation under this Section. Following the City Administrator's final decision on appeal, the Owner may appeal an adverse decision of the City Administrator by filing a written appeal with the City Council within five (5) business days following the date of the City Administrator's final decision. The decision of the City Council shall be final.

**D. AMENDMENT OF CHAPTER 4, SECTION 4.8, RELATING TO ACCESSORY USE.** Provisions of the UDC at Chapter 4, Section 4.8, are hereby amended or adopted:

1. Chapter 4, Section 4.8(e) is amended as follows: Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations or permitted Short-Term Rental, Accessory Structure/Uses; and

2. Chapter 4, Section 4.8(f) is adopted as follows: Short-Term Rental, Accessory Structure/Uses shall mean property containing a primary dwelling that also contains a legal guest house that is being used for Short-Term Rental purposes.

**E. AMENDMENT OF ARTICLE 2.08 TAXATION; DIVISION 4 HOTEL OCCUPANCY TAX; SECTION 2.08.093 DEFINITIONS.** The definition of the term *Hotel* is hereby amended and adopted:

*Hotel.* A building in which members of the public obtain sleeping accommodations for consideration. The term includes but is not limited to a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, short term rental, or bed and breakfast.

### **SECTION 3. EFFECTIVE DATE; IMPLEMENTATION AND ENFORCEMENT DATE**

This ordinance is effective immediately. The City Administrator shall, within 10 days after such effective date, cause the publication of notice of adoption on the City's website, the local

newspaper of general circulation, and by such other and further means necessary to provide notice to the public. No new permit applications shall be accepted for 60 days from the effective date of this ordinance, during which time applications for permits based on claims of pre-existing operation as a STR may be filed under the provisions of Section C.10. above. During this initial 60-day period and thereafter, the City shall create and maintain a GIS map of all permitted STRs to assist with review of future new permit applications. After the initial 60-day period referenced above, applications for new STR permits (in addition to those for pre-existing STRs) may also be filed, accepted, and reviewed by the City.

The City shall not seek enforcement of this ordinance until at least 75 days after the initial publication of notice in the newspaper of general circulation and the City's website.

**SECTION 4. SEVERABILITY**

If any provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or in part, except the part held or adjudged invalid or unconstitutional.

**SECTION 5. REPEALER**

Upon adoption, the provisions of this ordinance repeal any inconsistent existing provisions of other City ordinances.

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

**CITY OF BLANCO**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary