

City Council

Regular Meeting Minutes

September 17, 2019 at 6:00 p.m.

A Regular Meeting of the City Council of Dripping Springs, Texas, was held Tuesday, September 17, 2019 at 6:00 p.m. in the City Hall Council Chambers, located at 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Mayor & City Council Members present were:

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Travis Crow
Council Member Wade King
Council Member John Kroll

Council Member Absent was:

Council Member Taline Manassian

City Staff/Appointed Officials/Consultants present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
City Treasurer Gina Gillis
Parks & Community Services Director Mariana Espinoza
Parks Intern Olivia Pringle
DSRP Manager Lynne Dickinson
Emergency Management Coordinator Roman Baligad
Planning Director Jason Lutz
Communications Coordinator Lisa Sullivan
Assistant City Attorney Laura Mueller
TIRZ Project Manager Keenan Smith
Special Counsel David Tuckfield
Planning & Zoning Commission Chair Mim James
Emergency Management Commission Chair Bonnie Humphrey

With a quorum of the City Council present, Mayor Purcell called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Foulds led the Pledge of Allegiance to the Flag.

III. PRESENTATION OF CITIZENS

The floor is open for Citizens wishing to speak on any item including those items that are on the agenda or items that are not on the posted agenda. Citizens wishing to speak on an item with a posted public hearing shall do so at the time of the public hearing. Speakers are encouraged to sign in prior to speaking. Citizens wishing to speak shall do so after being recognized by the Mayor. Speakers are

allowed two (2) minutes to speak, which the Mayor or City Council may extend. By law no action may be taken during Presentation of Citizens.

Keenan Smith spoke regarding Tax Increment Reinvestment Zone No. 1 & No. 2.

Sandra Barber spoke in favor of the Fee Waiver related the Harrison Hills National Night Out Event. She also read a letter from Steve Daigh, who could not attend the meeting, regarding his opposition of the request for a second show related to the Monster Truck Wars Event.

IV. PROCLAMATIONS & PRESENTATIONS

No action to be taken on proclamations and presentations. The City Council may choose to discuss and take public comment on these items as necessary.

- A. Proclamation proclaiming October 1, 2019 as "National Night Out" in the City of Dripping Springs, Texas.**
Sponsor: Mayor Purcell

Mayor Purcell read the Proclamation and presented it to Deputy Stephen Traeger with the Community Outreach Unit of the Hays County Sheriff's Office.

- B. Proclamation proclaiming September 2019 as "National Preparedness Month" in the City of Dripping Springs, Texas.**
Sponsor: Council Member King

Council Member King read the Proclamation and presented it to members of the Emergency Management Commission and representatives of North Hays Fire Rescue ESD No. 6.

V. CONSENT AGENDA

- A. Approval of the appointment of Dr. Nola Wellman, Interim Superintendent, Dripping Springs Independent School District, to the Tax Increment Reinvestment Zone No. 1 & No. 2 Board for a term ending December 31, 2020.**
Sponsor: Council Member Kroll

- B. Approval of a Resolution Approving and Accepting a Construction Bond for Arrowhead Ranch Phases 2B and 2C and Wastewater Line G, Design and Construction; providing for: effective date, and proper notice and meeting.**
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2019-R34

- C. Approval of a Professional Services Agreement between the City of Dripping Springs and Daikin Applied regarding HVAC Services at the Dripping Springs Ranch Park Event Center.**
Sponsor: Council Member King

- D. **Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Cook-Off Club for the Chili/Salsa Cook-Off to be held October 12, 2019 at Veterans Memorial Park/The Triangle.**
Sponsor: Council Member King
- E. **Approval of the Special City Council Meeting Minutes of September 6, 2019.**
- F. **Approval of the Appointments to the Farmers Market Association Board: Nikki Dahlin for a term ending June 30, 2020 and David Vincent for a term ending June 30, 2021.**
- G. **Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs United Methodist Church regarding the Pumpkin Patch Event to be held October 4 - November 2, 2019 at Veterans Memorial Park.**
Sponsor: Council Member King

A motion was made by Council Member Kroll to approve Consent Agenda Items A – G. Council Member King seconded the motion which carried unanimously 4 to 0.

VI. BUDGET

- A. **Discuss and consider approval of an Ordinance of the City of Dripping Springs, Texas, Enacting the Municipal Budget for Fiscal Year 2019-2020; Funding Municipal Purposes; Authorizing Expenditures; providing for the following: findings of fact; enactment; filing of budget; repealer; severability; effective date; and proper notice and meeting.**

Gina Gillis presented the staff report which is on file.

A motion was made by Council Member John Kroll to approve an Ordinance of the City of Dripping Springs, Texas, Enacting the Municipal Budget for Fiscal Year 2019-2020; Funding Municipal Purposes; Authorizing Expenditures; providing for the following: findings of fact; enactment; filing of budget; repealer; severability; effective date; and proper notice and meeting. Council Member King seconded the motion which carried 4 to 0 via roll call vote.

Filed as Ordinance No. 2019-32

- B. **Discuss and consider approval of a Resolution of the City of Dripping Springs, Texas, Ratifying the Municipal Budget for Fiscal Year 2019-2020; Funding Municipal Purposes; Authorizing Expenditures; Filing of Budget; Repealer; Severability; Effective Date; and Proper Notice.**

A motion was made by Council Member King to approve a Resolution of the City of Dripping Springs, Texas, Ratifying the Municipal Budget for Fiscal Year 2019-2020; Funding Municipal Purposes; Authorizing Expenditures; Filing of Budget; Repealer; Severability; Effective Date; and Proper Notice. Mayor Pro Tem Foulds seconded the motion which carried 4 to 0 via roll call vote.

Filed as Resolution No. 2019-R35

- C. Discuss and consider approval of an Ordinance of the City of Dripping Springs, Texas, Approving the 2019 Ad Valorem Tax Rate and Levy of Nineteen Hundredths Cents (\$0.19) per One Hundred Dollars (\$100.00) of Assessed Valuation of all Taxable Property within the Corporate City Limits of the City; Providing for Penalties and Interest; and Providing for the Following: Findings of Fact; Severability; Savings Clause; Publication and Effective Date.**

A motion was made by Council Member Kroll to increase the property tax rate by the adoption of a tax rate of \$0.19, which is effectively an 8.82 percent increase in the tax rate and approval of an Ordinance of the City of Dripping Springs, Texas, Approving the 2019 Ad Valorem Tax Rate and Levy of Nineteen Hundredths Cents (\$0.19) per One Hundred Dollars (\$100.00) of Assessed Valuation of all Taxable Property within the Corporate City Limits of the City; Providing for Penalties and Interest; and Providing for the Following: Findings of Fact; Severability; Savings Clause; Publication and Effective Date. Council Member Crow seconded the motion which carried 4 to 0 via roll call vote.

Filed as Ordinance No. 2019-33

- D. Discuss and consider approval of an Ordinance adding Section 1.04.002 additional homestead exemption; approving an additional homestead exemption of one percent (1%) percentage from the appraised value of a residence homestead with a minimum exemption of \$10,000.**

Sponsor: Mayor Purcell

A motion was made by Mayor Pro Tem Foulds to approve an Ordinance adding Section 1.04.002 additional homestead exemption; approving an additional homestead exemption of one percent (1%) percentage from the appraised value of a residence homestead with a minimum exemption of \$10,000. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2019-34

VII. BUSINESS

- A. Discuss and consider approval of a Donation Agreement between the City of Dripping Springs and Andrew Caldwell for an Eagle Scout Project at Sports and Recreation Park.**

Sponsor: Council Member King

Mariana Espinoza presented the staff report which is on file. Staff recommends approval of the Donation Agreement.

Andrew Caldwell gave a presentation on the project which is on file.

A motion was made by Council Member King to approve of a Donation Agreement between the City of Dripping Springs and Andrew Caldwell for an Eagle Scout Project at Sports and

Recreation Park. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

B. Discuss and consider approval of an Amendment to the Rental Agreement between the City of Dripping Springs Monster Truck Wars Event regarding a Monster Truck Wars Event to be held Saturday, October 26, 2019 at the Dripping Springs Ranch Park Event Center.

Sponsor: Council Member Kroll

Lynne Dickinson presented the staff report which is on file. The rental agreement is being amended to include a second show following the matinee. The second show will be finished by 9:00 p.m. Staff recommends approval of the amended rental agreement.

A motion was made by Council Member Kroll to approve the Amendment to the Rental Agreement between the City of Dripping Springs Monster Truck Wars Event regarding a Monster Truck Wars Event to be held Saturday, October 26, 2019 at the Dripping Springs Ranch Park Event Center adding a second performance to end no later than 9:00 p.m. Council Member King seconded the motion.

After some discussion, Council Member Kroll amended the motion to end the second performance at 8:30 p.m. which Council Member King seconded. The amended motion failed 2 to 3, with Mayor Pro Tem Foulds and Council Member Crow opposed and Mayor Purcell casting the tie breaking vote.

C. Discuss and consider approval of a Fee Waiver Request from the Harrison Hills Subdivision Homeowners Association regarding the Harrison Hills National Night Out event to be held at the Dripping Springs Ranch Park and Event Center on October 1, 2019.

Sponsor: Council Member King

Lynne Dickinson presented the staff report which is on file. Staff recommends approval of the fee waiver request.

A motion was made by Council Member King to approve a Fee Waiver Request from the Harrison Hills Subdivision Homeowners Association regarding the Harrison Hills National Night Out event to be held at the Dripping Springs Ranch Park and Event Center on October 1, 2019. Mayor Pro Tem Foulds seconded the motion which carried unanimously 4 to 0.

D. Discuss and consider approval of an Ordinance Amending Chapter 1, Article 1.02 City Council, Division 2 Meetings related to HB 2840 and regarding Presentation of Citizens/Public Testimony, and Authorization for the City Secretary to Amend Agenda language regarding Presentation of Citizens.

Andrea Cunningham and Laura Mueller presented the staff report which is on file. Staff recommends approval of the ordinance with changes to (a)(1), striking "on the posted agenda."

A motion was made by Mayor Pro Tem Foulds to approve an Ordinance Amending Chapter 1, Article 1.02 City Council, Division 2 Meetings related to HB 2840 and regarding

Presentation of Citizens/Public Testimony, and Authorization for the City Secretary to Amend Agenda language regarding Presentation of Citizens with the recommendation to changes to (a)(1), striking “on the posted agenda.” Council Member Kroll seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2019-35

- E. Public hearing, discussion and consideration of approval regarding ZA2019-0004: a Zoning Ordinance Amendment to consider a zoning change from Two-Family Residential - Duplex (SF-4) to the Local Retail District (LR) for the property located at 28707 Ranch Rd 12, Dripping Springs, Texas 78620 (Legal Description: A0415 PHILIP A SMITH SURVEY, ACRES 1.50, Hays County, TX).**

Applicant: Jon Thompson

Council Member Kroll recused from this item. An Affidavit is on file in the City Secretary's Office.

1. Presentation

Jon Thompson presented the item.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the zoning amendment ordinance.

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval 5 to 0

4. Public Hearing – No one spoke during the Public Hearing.

5. Zoning Ordinance Amendment

A motion was made by Council member King to approve ZA2019-0004: a Zoning Ordinance Amendment to consider a zoning change from Two-Family Residential - Duplex (SF-4) to the Local Retail District (LR) for the property located at 28707 Ranch Rd 12, Dripping Springs, Texas 78620 (Legal Description: A0415 PHILIP A SMITH SURVEY, ACRES 1.50, Hays County, TX). Council Member Crow seconded the motion which carried 2 to 1 to 1, with Council Member Kroll recused and Mayor Pro Tem Foulds opposed.

Filed as Ordinance No. 2019-36

- F. Discuss and consider approval of Amendment No. 3 to the Professional Services Agreement between the City of Dripping Springs and City Lights Design (Keenan Smith) regarding the Tax Increment Reinvestment Zone No. 1 and No. 2 Project Manager.**

Laura Mueller presented the item. The TIRZ No. 1 and No. 2 Board recommended approval, and staff also recommends approval of the amended agreement.

A motion was made by Council member Kroll to approve Amendment No. 3 to the Professional Services Agreement between the City of Dripping Springs and City Lights Design (Keenan Smith) regarding the Tax Increment Reinvestment Zone No. 1 and No. 2 Project Manager. Mayor Pro Tem Foulds seconded the motion which carried unanimously 4 to 0.

G. Discuss and consider approval of Amendments No. 4 and No. 5 to the Wholesale Water Supply Agreement between the City of Dripping Springs and West Travis County Public Utility Agency and regarding the Driftwood Creek Tract.

Sponsor: Mayor Pro Tem Foulds

Council Member Crow recused from this item; he is a Board Member of the Dripping Springs Water Supply Corporation.

Ginger Faught presented the staff report which is on file. Staff recommends approval of the agreement.

A motion was made by Mayor Pro Tem Foulds to approve Amendments No. 4 and No. 5 to the Wholesale Water Supply Agreement between the City of Dripping Springs and West Travis County Public Utility Agency and regarding the Driftwood Creek Tract. Council Member Kroll seconded the motion which carried 3 to 1, with Council Member Crow recused.

H. Discuss and consider approval of an Agreement between the City of Dripping Springs and Dripping Springs Water Supply Corporation regarding Water Systems Operations.

Sponsor: Mayor Pro Tem Foulds

This item was heard following the Executive Session.

I. Discuss and consider approval of Authorization for the City Administrator to terminate the Professional Services Agreement between the City of Dripping Springs and David Taussig & Associates related to Tax Increment Reinvestment Zones No. 1 and No. 2 Administration with a Proposed Effective Date of October 31, 2019.

Sponsor: Council Member Kroll

Laura Mueller, Keenan Smith and Mim James presented the staff report. The TIRZ No. 1 & No. 2 Board recommended approval of the termination. City Administration will issue a new Request for Qualifications is approved.

A motion was made by Council Member Kroll to approve of Authorization for the City Administrator to terminate the Professional Services Agreement between the City of Dripping Springs and David Taussig & Associates related to Tax Increment Reinvestment Zones No. 1 and No. 2 Administration with a Proposed Effective Date of October 31, 2019. Council Member Crow seconded the motion which carried unanimously 4 to 0.

A motion was made by Mayor Pro Tem Foulds to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with City Attorney and regarding Executive Session Agenda Items A – C and Business Agenda Item H.

VIII. EXECUTIVE SESSION

The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

- A. Consultation with City Attorney regarding legal issues related to drainage at The Triangle, located at the intersection of US Highway 290 and Ranch Road 12, Dripping Springs Texas.**
Consultation with City Attorney, 551.071
- B. Consultation with City Attorney regarding contemplated litigation related to the South Regional Water Reclamation Project.**
Consultation with City Attorney, 551.071
- C. Consultation with City Attorney regarding legal issues related to the Water Systems Operations Agreement with the Dripping Springs Water Supply Corporation.**
Consultation with City Attorney, 551.071

Business Agenda Item

- H. Discuss and consider approval of an Agreement between the City of Dripping Springs and Dripping Springs Water Supply Corporation regarding Water Systems Operations.**
Consultation with City Attorney, 551.071

Council Member Crow recused from Executive Session Agenda Item C and Business Agenda Item H and exited the Executive Session. He is a Board Member of the Dripping Springs Water Supply Corporation.

The City Council met in Executive Session from 7:00 p.m. – 7:13 p.m. No action or vote was taken in Executive Session.

Mayor Purcell returned the meeting to Open Session at 7:13 p.m. and took action on Business Agenda Item H.

- H. Discuss and consider approval of an Agreement between the City of Dripping Springs and Dripping Springs Water Supply Corporation regarding Water Systems Operations.**

Council Member Crow recused from this item; he is a Board Member of the Dripping Springs Water Supply Corporation.

A motion was made by Mayor Pro Tem Foulds to approve **an Agreement between the City of Dripping Springs and Dripping Springs Water Supply Corporation regarding Water Systems Operations**. Council Member Kroll seconded the motion which carried 3 to 1, with Council Member Crow recused.

IX. UPCOMING MEETINGS

A. City Council & BOA Meetings

October 8, 2019 at 6:00 p.m. (6:00 Workshop/6:30 Regular Meeting)

October 15, 2019 at 6:00 p.m.

B. Board, Commission & Committee Meetings

September 19, 2019 Farmers Market Association Board at 10:00 a.m.

September 23, 2019 Transportation Committee at 3:30 p.m.

September 24, 2019 Planning & Zoning Commission at 6:30 p.m.

September 25, 2019 Economic Development Committee at 4:00 p.m.

October 2, 2019 Historic Preservation Commission at 6:00 p.m.

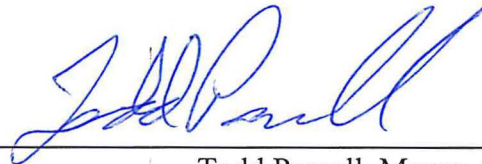
October 7, 2019 Parks & Recreation Commission at 6:00 p.m.

X. ADJOURN

A motion was made by Council Member Kroll to adjourn the meeting. Council Member King seconded the motion which carried unanimously 4 to 0.

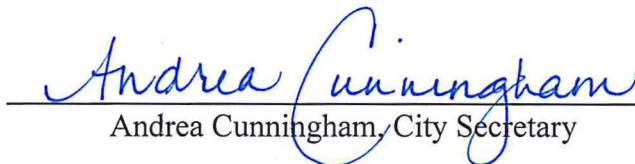
This regular meeting adjourned at 7:14 p.m.

DATE APPROVED: October 8, 2019



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary

