

City Council & Board of Adjustment

Workshop & Regular Meeting Minutes August 13, 2019 at 6:00 p.m.

A Workshop and Regular Meeting of the City Council and Board of Adjustment of Dripping Springs, Texas, was held Tuesday, August 13, 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/Board of Adjustment members present were:

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Travis Crow
Council Member Wade King
Council Member Taline Manassian

City Council Member absent was:

Council Member John Kroll

City Staff/Appointed Officials/Consultants present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
Assistant City Attorney Laura Mueller
City Treasurer Gina Gillis
Parks & Community Services Director Mariana Espinoza
Dripping Springs Ranch Park Manager Lynne Dickinson
Planning Director Jason Lutz
City Engineer Chad Gilpin
TIRZ Project Manager Keenan Smith
Planning & Zoning Commission Chair Mim James
Financial Consultant Chris Lane

With a quorum of the City Council present, Mayor Purcell called the meeting to order at 6:06 p.m.

II. WORKSHOP

No action will be taken during the Workshop.

A. Fiscal Year 2020 Municipal Budget and Tax Rate.

Gina Gillis, City Treasurer

Gina Gillis introduced the item.

Mayor Purcell presented the item and assigned sections of the budget to City Council members according to their areas of oversight. Council Members and the Mayor are to review their respective budgets with staff and board/commission/committee chairs as see

where cuts can be made and provide the City Treasurer with a priority list by noon, Monday, August 19, 2019.

B. Presentation and discussion regarding State Law Changes regarding House Bill 3167 and its effect on City Subdivision, Site Development, and Parkland Dedication Ordinances.

Laura Mueller presented the staff report which is on file. Staff is currently reviewing the ordinances and developing timelines and fee schedules. A joint workshop with the City Council and Planning & Zoning Commission will be scheduled to have a more in depth discussion regarding the provisions of the bill and the changes required for City Ordinances.

III. RECESS

The City Council recessed from 6:15 p.m. – 6:30 p.m.

Mayor Pro Tem Foulds announced that Business Agenda Items G and S, regarding the QuickTrip request for rezone and the Mark Black Wedding Venue appeal of fees related to SD2017-0005 and SD2019-0021 have been pulled from the agenda.

IV. RECONVENE AT 6:30 P.M.

Mayor Pro Tem reconvened the meeting at 6:33 p.m.

V. PLEDGE OF ALLEGIANCE

Mayor Purcell led the Pledge of Allegiance to the Flag.

VI. PRESENTATION OF CITIZENS

The floor is open for Citizens wishing to speak on items that are not on the posted agenda or for items that are on the agenda, but do not have a public hearing, and 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 Presentations of Citizens.

Jason and Carrie Isaac thanked local sponsors and the City for Co-Sponsoring their Fire in the Sky 4th of July Event held at Dripping Springs Ranch Park. The Isaacs present proceed checks of \$2,679.05 to each Fire and EMS.

Barbara Bolbock spoke in opposition to the extension of a wastewater line through her property.

John Worrall introduced himself to the City Council as the new District 1 Hays Trinity Groundwater Conservation District Board Member.

VII. CONSENT AGENDA

The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen

may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.

A motion was made by Council Member King to pull Consent Agenda Items A and I for further discussion. Mayor Pro Tem Foulds seconded the motion which carried unanimously 4 to 0.

- A. Approval of the City Council and Board of Adjustment Regular Meeting Minutes of July 9, 2019.**
- B. Approval of the City Treasurer's Report for July 2019.**
- C. Approval of the Appointment of John Pettit to the Transportation Committee for a term ending June 30, 2021.**
- D. Approval of a Use Agreement between the City of Dripping Springs and the Dripping Springs Vocational Ag Booster Association, Inc. regarding the use of the Dripping Springs Ranch Park and Event Center.**
Sponsor: Council Member King
- E. Approval of a Facilities Use Agreement between the City of Dripping Springs and the Dripping Springs Lions Club for Christmas on Mercer event to be held Saturday, December 7, 2019.**
Sponsor: Council Member King
- F. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Springs Veterinary Care for Tails and Trails event to be held at Founders Memorial Park Saturday, September 28, 2019.**
Sponsor: Council Member King
- G. Approval of an Amendment to the Project Agreement between the City of Dripping Springs and the State of Texas, acting through the Texas Parks and Wildlife Department, for Dripping Springs Founders Memorial Park, Project Amendment Number 20-000209, regarding a property conversion and substitution.**
- H. Approval of Amended Resolution No. 2019-R27, a Resolution Authorizing application for funding under the 2019 Texas Department of Transportation's Transportation Alternatives Program for the Dripping Springs Rob Shelton Boulevard Pedestrian Sidewalk Project from Sports Park Drive across US 290 to Founders Park Project (ID #: 0_AUS_DrippingSprings01_SRTS-TA) and City Local Match Commitment; and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation.**
- I. Approval of a Professional Services Agreement between the City of Dripping Springs and Terracon Consultants, Inc. regarding Geotechnical Engineering Services related the South Regional Water Reclamation Treatment Plant Expansion Project.**
Sponsor: Mayor Pro Tem Foulds

J. Approval of the Amended and Restated Retail Water Service Agreement between the City of Dripping Springs and Meritage Homes of Texas, LLC.
Sponsor: Mayor Pro Tem Foulds

K. Approval of a Resolution Accepting Substantial Completion of Improvements and Approving and Accepting Maintenance Bond for Headwaters Commercial Street and Site Improvements
Sponsor Mayor Pro Tem Foulds

Filed as Resolution No. 2019-R29.

L. Approval of a Resolution Accepting Substantial Completion of Improvements and Approving and Accepting Maintenance Bond for Water Infrastructure to Serve the Driftwood Ranch Tract.
Sponsor Mayor Pro Tem Foulds

Filed as Resolution No. 2019-R30.

M. Approval of an Amendment to Exhibit C of the Wastewater Service Agreement between the City of Dripping Springs and Meritage Homes of Texas, LLC.

N. Approval of form of the Kelly and Fernando Pulido Small Barn Donation Agreement, for repairs and maintenance to the Small Barn and associated outdoor arena field; providing for the following: donation amount, scope of donation project, duration of donation, and criteria for acceptance.
Sponsor: Council Member King

O. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and the Central Texas Arabian Horse Association regarding events at the Dripping Springs Ranch Park scheduled for October 5, 2019, December 14, 2019, February 8, 2020, July 11 - 12, 2020 and September 26 - 27, 2020.

Andrea Cunningham presented the staff report for Consent Agenda Item A. A list of corrections to the July 9, 2019 Minutes is included in the supplemental packet.

Council Member Manassian clarified the motion conditions of item Business Item E regarding a Conditional Use Permit for 101 Creek Road.

A motion was made by Council Member Manassian to approve the City Council and Board of Adjustment Regular Meeting Minutes of July 9, 2019 with revisions as presented and with an additional revision to remove Condition No. 2 regarding “No Outdoor Music”, and to revise Condition No. 4 to read, “Allowance for acoustic music only, no amplified music, on the back side of the venue facing the creek.” Council Member King seconded the motion which carried unanimously 4 to 0.

Laura Mueller presented the staff report for Consent Agenda Item I. The agreement has been revised regarding section on Indemnification.

A motion was made by Mayor Pro Tem Foulds to approve of a Professional Services Agreement between the City of Dripping Springs and Terracon Consultants, Inc. regarding Geotechnical Engineering Services related the South Regional Water Reclamation Treatment Plant Expansion Project with revisions to indemnification as presented by staff. Council Member King seconded the motion which carried unanimously 4 to 0.

A motion was made by Mayor Pro Tem Foulds to approve Consent Agenda Items B – H and J – O. Council Member Crow seconded the motion which carried unanimously 4 to 0.

VIII. BOARD OF ADJUSTMENT

The Board of Adjustment will consider items related to appeals of administrative land use determinations, requests for variances and special exceptions related to land use projects, and other items as provided for in the Dripping Springs Code of Ordinances.

- A. Public hearing, discussion and consideration of approval regarding Sign Variance Requests for Circle K/Valero, located at 13810 Sawyer Ranch Rd., Dripping Springs, TX, to have additional Wall Signs on the Building and Fuel Canopies.**
Kaliki Mendoza, Comet Signs, LLC, Applicant's Representative

- 1. Presentation*
- 2. Sign Administrator's Report*
- 3. Public Hearing*

No one spoke during the Public Hearing.

- 4. Variance Request to Allow a Wordmark Wall Sign on the Fuel Canopy*
- 5. Variance Request to Allow a Logo Wall Sign on the Fuel Canopy*
- 6. Variance Request to Allow a Wordmark Wall Sign on the Diesel Fuel Canopy*
- 7. Variance Request to Allow a Wall Sign on the East Side of the Building*

Michelle Fischer presented the item. The applicant has withdrawn their applications for Sign Variance Requests, and no action is required.

No action was taken on this item.

IX. BUSINESS

- A. Public hearing, discussion and consideration of approval of a Resolution Authorizing the Submission of a Nomination for Funding from Texas Department of Transportation's 2019 Transportation Alternatives Program; and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation in 2019 Transportation Alternatives Program.**

- 1. Staff Report*

Jason Lutz presented the staff report which is on file. Staff recommends approval of the resolution.

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

3. Resolution

A motion was made by Mayor Pro Tem Foulds to approve a Resolution Authorizing the Submission of a Nomination for Funding from Texas Department of Transportation's 2019 Transportation Alternatives Program; and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation in 2019 Transportation Alternatives Program with authorization for staff to make non-substantive changes. Council Member King seconded the motion which carried unanimously 4 to 0.

B. Public hearing, discussion and consideration of approval regarding Parkland Dedication requirements for the "Driftwood Golf & Ranch Club" Phase 1 Final Plat located at 11100 RR-967 (N. Side), Buda, TX 78610.

1. Presentation – There was no presentation for this item.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the Cash in Lieu option.

3. Parks & Recreation Commission Report

The Commission recommended approval of the Cash in Lieu option.

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

5. Parkland Dedication

A motion was made by Council Member King to approve a Cash in Lieu Option regarding Parkland Dedication requirements for the "Driftwood Golf & Ranch Club" Phase 1 Final Plat located at 11100 RR-967 (N. Side), Buda, TX 78610. Council Member Crow seconded the motion which carried unanimously 4 to 0.

Filed as Resolution No. 2019-R231.

C. Public hearing, discussion and consideration of approval regarding Parkland Dedication requirements for the "Grotto" multi-family development located at 1459 W. Hwy 290 and Quail Farm Road, Dripping Springs, TX 78620.

1. Presentation

Applicant Jon Thompson was present and available for questions from the Council.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval with conditions as provided by the Parks & Recreation Commission.

3. Parks & Recreation Commission Report

The Commission recommended approval of Phase 1 and Phase 2 with the following conditions:

- (1) Posted rules and regulations throughout the park.
- (2) Trail connection to Highway 290 be concrete.
- (3) Phase 3 parkland dedication be considered separately.

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

5. Parkland Dedication

A motion was made by Council Member King to approve Phase 1 and Phase 2 Parkland Dedication requirements for the "Grotto" multi-family development located at 1459 W. Hwy 290 and Quail Farm Road, Dripping Springs, TX 78620 with conditions as recommended by the Parks & Recreation Commission. Mayor Pro Tem Foulds seconded the motion which carried unanimously 4 to 0.

D. Public hearing, discussion and consideration of approval regarding Parkland Dedication requirements for the "Bunker Ranch Phase 5" multi-family condominium development located at the southwest intersection of W. Hwy 290 and Bunker Ranch Road.

1. Presentation – No presentation was given.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval with conditions as provided by the Parks & Recreation Commission.

3. Parks & Recreation Commission Report

The Commission recommended approval to Phase 1 and Phase 2 with the following conditions:

- (1) Posted rules and regulations throughout the park.
- (2) The subdivision is responsible for maintenance of the property.

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

5. Parkland Dedication

A motion was made by Council Member King to approve Parkland Dedication requirements for the "Bunker Ranch Phase 5" multi-family condominium development located at the

southwest intersection of W. Hwy 290 and Bunker Ranch Road with conditions as recommended by the Parks & Recreation Commission. Council Member Crow seconded the motion which carried unanimously 4 to 0.

E. Public hearing, discussion and consideration of approval regarding SUB2019-0028 : Arrowhead Ranch Phase 4 Preliminary Plat for Arrowhead Ranch Subdivision; approximately 127.896 acres Located at the end of Arrowhead Ranch Boulevard, Dripping Springs TX 78620 (Legal Description: A0222 BENJAMIN F HANNA SURVEY, ACRES 183.793).

Applicant: Carlson, Brigrance & Doering, Inc.

1. Presentation – No presentation was given.

2. Staff Report

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the preliminary plat.

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval 7 to 0.

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

5. Preliminary Plat

A motion was made by Council Member Manassian to approve SUB2019-0028 : Arrowhead Ranch Phase 4 Preliminary Plat for Arrowhead Ranch Subdivision; approximately 127.896 acres Located at the end of Arrowhead Ranch Boulevard, Dripping Springs TX 78620 (Legal Description: A0222 BENJAMIN F HANNA SURVEY, ACRES 183.793). Council Member King seconded the motion which carried 3 to 1, with Council Member Crow opposed.

F. Public hearing, discussion and consideration of approval regarding a Zoning Amendment Ordinance related to ZA2019-0002: to consider a requested zoning change from Single-Family Residential District – Low Density (SF-1) to Multiple – Family Residential District (MF) for property located at 26700 Ranch Rd 12, Dripping Springs, Texas (Legal Description: ABS 415 9-3106-01-15 Philip A Smith Survey 10.00 AC MH- AKA Western Woods, Hays County, TX).

Applicant: Jon Thompson

Mayor Purcell recused from this item and exited the Council Chambers. An Affidavit of Conflict of Interest is on file in the City Secretary's Office. Mayor Pro Tem Foulds presided over the meeting.

1. Presentation

Jon Thompson presented the item, requesting postponement.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends the item be tabled, and the applicant re-notice when the project receives funding.

3. Planning & Zoning Commission Report

Chair James: Commission recommended postponement to the August 27th Planning & Zoning Commission meeting.

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

5. Zoning Amendment Ordinance

A motion was made by Council Member King to table ZA2019-0002: to consider a requested zoning change from Single-Family Residential District – Low Density (SF-1) to Multiple – Family Residential District (MF) for property located at 26700 Ranch Rd 12, Dripping Springs, Texas (Legal Description: ABS 415 9-3106-01-15 Philip A Smith Survey 10.00 AC MH- AKA Western Woods, Hays County, TX). Council Member Crow seconded the motion which carried unanimously 4 to 0.

- G. Public hearing, discussion and consideration of approval regarding a Zoning Amendment Ordinance related to ZA2019-0005: to consider a requested zoning amendment to a Conditional Overlay to allow the land use of "Convenience Store with (or Without) Gasoline Sales" for the area located at the corner of East US Hwy 290 and Sawyer Ranch Rd, Dripping Springs, Texas 78620, also identified as the location of "QuikTrip". This area is currently zoned General Retail (GR) with a conditional overlay applied in August 2007 by Ordinance No. 1220.020, also known as "Conditional Overlay: Shops at Highpointe," governing the approximately 10 acres at this location (Legal Description: Approximately 10.0 acres of land, Tract A, Sawyer Springs Subdivision, recorded in Volume 12, Page 240, Plat Records, Hays County, Texas). The applicant is requesting that this conditional overlay be removed from their 3 acre portion of the property (Legal Description: A 3.151 acre tract of land, situated in the City of Dripping Springs, out of the E.B. Hargraves Survey No. 4, Abstract 240, Hays County, Texas, and being a portion of a 9.730 acre tract of land as conveyed to QuikTrip Corporation in Instrument No. 18008144 of the Official Public Records of Hays County, Texas). - Applicant requested postponement to the September 10, 2019 City Council Meeting.**

Applicant: JD Dudley

Mayor Purcell returned to the Council Chambers and presided over the meeting.

1. Presentation – No presentation was given.

2. Staff Report

Jason Lutz presented the staff report which is on file. The applicant has requested postponement. Staff recommends postponement to the September 10, 2019 City Council meeting.

3. Planning & Zoning Commission Report

Chair James: Commission recommends denial of the request 7 to 0.

4. Public Hearing

Catherine Kauffman, Richard Bergfeld, Daniel Wattles, Gigi Sanchez, John Sanchez, Gianluca Vecchiet, Elizabeth Vecchiet, Risa Hoyle and Helen Darling spoke in opposition to the item citing concerns regarding trash, drainage, decreased property values, dark skies adherence, and traffic and safety.

Applicant Brandon Forshee spoke and requested postponement to address concerns of the residents.

5. Zoning Amendment Ordinance

A motion was made by Mayor Pro Tem Foulds to postpone of ZA2019-0005: to consider a requested zoning amendment to a Conditional Overlay to allow the land use of "Convenience Store with (or Without) Gasoline Sales" for the area located at the corner of East US Hwy 290 and Sawyer Ranch Rd, Dripping Springs, Texas 78620 to the September 10, 2019 Regular City Council meeting. Council Member Crow seconded the motion which carried 3 to 1, with Council Member King opposed.

H. Public hearing, discussion and consideration of approval regarding a Development Agreement Amendment related to DA2019-0001: to remove an approximate 7.105-acre tract from the overall 24.69 acres referred to as the "Hall Commercial Tract" Development Agreement under Section 4.1.3 of the original Development Agreement, located at the northwest intersection of RR-12 and Whisenant Lane.

Applicant: Jon Thompson

1. Presentation

Jon Thompson presented the item. The applicant has purchased a 7.105 acre tract and is requesting that property be removed from the Hall Commercial Tract Development Agreement. The request is provided under section 4.1.3 of the Agreement, where the owner has the right to request removal. This request is related to the following request for rezone.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the request, and if approved will bring the amended agreement to the City Council for approval at the August 20, 2019 City Council meeting.

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval 7 to 0.

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

5. Development Agreement Amendment

A motion was made by Council Member King to approve a Development Agreement Amendment related to DA2019-0001: to remove an approximate 7.105-acre tract from the overall 24.69 acres referred to as the "Hall Commercial Tract" Development Agreement under Section 4.1.3 of the original Development Agreement, located at the northwest intersection of RR-12 and Whisenant Lane. Mayor Pro Tem Foulds seconded the motion.

Robert Avera, representing Harrison Hills, LLC spoke requesting the amendment under section 4.1.3 of the agreement as the new owner of the tract; however, he is willing to obtain a Letter of Assignment from the previous owner of the tract and the owner as assigned in the original Hall Commercial Tract Development Agreement.

Council Member King and Mayor Pro Tem Foulds withdrew their motion and second respectively.

A motion was made by Council Member Manassian to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with City Attorney regarding legal issues related to Business Agenda Item H, DA2019-0001: Request for Amendment to the Hall Commercial Tract Development and the removal of an approximate 7.105 acre tract of land from the agreement. Council Member Crow seconded the motion which carried unanimously 4 to 0.

Council Member Crow recused from Executive Session Item G and exited the Executive Session.

The City Council met in Executive Session from 7:48 p.m. – 8:00 p.m.

No vote or action was taken during Executive Session. Mayor Purcell returned the meeting to Open Session at 8:00 p.m.

A motion was made by Council Member Manassian to approve a request to remove an approximate 7.105-acre tract from the overall 24.69 acres referred to as the "Hall Commercial Tract" Development Agreement subject to the provision of Letter of Assignment by Friday, August 16, 2019. Council Member Crow seconded the motion which carried unanimously 4 to 0.

Laura Mueller will provide the amended agreement to the City Council for consideration at the August 20th City Council meeting.

- I. Public hearing, discussion and consideration of approval regarding a Zoning Amendment Ordinance related to ZA2019-0007: to consider a requested zoning change from General Retail (GR) to Commercial Services (CS) for an approximate 1.250 acres tract out of the G. W. Lindsay Survey, Abstract No. 289, located at the**

northwest corner of Ranch Road 12 and Whisenant Lane, Dripping Springs, Texas, No. 289.

Applicant: Jon Thompson

1. Presentation

Buddy Lewis gave a presentation on the item, and documents presented are on file. Jon Thompson also gave a presentation regarding the item citing that the property's situation has setbacks four-times the required amount. He noted that noise concerns are addressed with landscaping and fencing, traffic can be addressed during site development, and while transient workers are not employees or encouraged to be around the property, if present, Mr. Lewis will do his best address the issue.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends denial of request for zoning amendment.

3. Planning & Zoning Commission Report

Chair James: Commission recommended denial 7 to 0.

4. Public Hearing

Oscar Jones, Geoffrey Tahuahua, Jim Castagneto, Connie Langford, Sandra Barber, Victoria Smith Chips, Matthew Ordway, Richard Shaw, Matt Chips, Cindy Thompson and Kathy Lipscomb spoke in opposition to the item citing concerns regarding noise, traffic, pedestrian safety, day labor, zoning appropriateness, and ingress and egress.

Michele Hinojosa, Mary Lewis, Dave Edwards, and Rex Baker spoke in favor of the item noting the hours of heavy operation are minimal and noise at the current location has not been a factor, and that Mr. Lewis, as a longtime resident and business owner, is committed to working with the community.

5. Zoning Amendment Ordinance

A motion was made by Council Member Crow to approve a Zoning Amendment Ordinance related to ZA2019-0007: to consider a requested zoning change from General Retail (GR) to Commercial Services (CS) for an approximate 1.250 acres tract out of the G. W. Lindsay Survey, Abstract No. 289, located at the northwest corner of Ranch Road 12 and Whisenant Lane, Dripping Springs, Texas, No. 289. Mayor Pro Tem Foulds seconded the motion.

The City Council discussed the concerns presented during the Public Hearing, and the possibility of a conditional overlay or planned development district. The City Council also addressed concerns regarding ownership and the ability of the new owner to request zoning changes under the current Development Agreement, which states that new owners must submit a Letter of Assignment to the City. Staff confirmed the applicant could request either

an overlay or planned development district, and that Council could waive the 6-month waiting period as outlined in city Ordinance.

Cindy Thompson spoke regarding alternate zoning options, and Richard Bergfeld spoke reiterating issues with traffic and safety.

Robert Avera spoke stating that he will obtain the Letter of Assignment, although the application is requesting the amendment under Section 4.13 of the original Hall Commercial Tract Development Agreement.

Council Member Crow and Mayor Pro Tem Foulds withdrew their motions respectively.

A motion was made by Council Member Crow to deny ZA2019-0007: A requested zoning change from General Retail (GR) to Commercial Services (CS) for an approximate 1.250 acres tract out of the G. W. Lindsay Survey, Abstract No. 289, located at the northwest corner of Ranch Road 12 and Whisenant Lane, Dripping Springs, Texas, No. 289. Mayor Pro Tem Foulds seconded the motion which carried 3 to 1, with Council Member King opposed.

<City Council took a short recess from 9:22 p.m. – 9:30 p.m.>

J. Discuss and consider approval of a Letter of Support from the City of Dripping Springs for the Arts Alliance of Central Texas's Application to the Meadows Foundation for the renovation of the Stephenson Building

Sponsor: Council Member Manassian

A motion was made by Mayor Pro Tem Foulds to approve a Letter of Support from the City of Dripping Springs for the Arts Alliance of Central Texas's Application to the Meadows Foundation for the renovation of the Stephenson Building. Council Member King seconded the motion which carried unanimously 4 to 0.

K. Discuss and consider approval of an Ordinance Authorizing the Issuance of \$23,500,000 City of Dripping Springs, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2019; and other related matters.

Sponsor: Mayor Pro Tem Foulds

Chris Lane presented the item, and documents regarding her presentation are on file.

A motion was made by Mayor Pro Tem Foulds to approve an Ordinance Authorizing the Issuance of \$23,500,000 City of Dripping Springs, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2019; and other related matters. Council Member Crow seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2019-25

L. Discuss and consider approval of a Resolution Authorizing the Deputy City Administrator, the Designated Representative of the City, to Execute an Agreement with the Texas Water Development Board for Funding in the Amount of \$1,000,000.

Sponsor: Mayor Pro Tem Foulds

Chris Lane presented the item, and documents regarding her presentation are on file.

A motion was made by Mayor Pro Tem Foulds to approve a Resolution Authorizing the Deputy City Administrator, the Designated Representative of the City, to Execute an Agreement with the Texas Water Development Board for Funding in the Amount of \$1,000,000. Council Member Crow seconded the motion which carried unanimously 4 to 0.

Filed as Resolution No. 2019-R32.

- M. Discuss and consider approval of a Wastewater Service and Fee Agreement between the City of Dripping Springs and Jim Karhan regarding approximately 32.674 acres of land out of the Phillip A. Smith Survey No. 26, Abstract No. 415, Hays County, Texas.**

Sponsor: Mayor Pro Tem Foulds

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

A motion was made by Council member King to approve a Wastewater Service and Fee Agreement between the City of Dripping Springs and Jim Karhan regarding approximately 32.674 acres of land out of the Phillip A. Smith Survey No. 26, Abstract No. 415, Hays County, Texas. Mayor Pro Tem Foulds seconded the motion which carried unanimously 4 to 0.

- N. Discuss and consider approval of a Wastewater Service and Fee Agreement between the City of Dripping Springs and Mickey Davidson Kroll regarding approximately 1.339 acres of land out of the Phillip A. Smith Survey No. 26, Abstract No. 415, Hays County, Texas.**

Sponsor: Mayor Pro Tem Foulds

A motion was made by Mayor Pro Tem Foulds to approve a Wastewater Service and Fee Agreement between the City of Dripping Springs and Mickey Davidson Kroll regarding approximately 1.339 acres of land out of the Phillip A. Smith Survey No. 26, Abstract No. 415, Hays County, Texas. Council Member King seconded the motion which carried unanimously 4 to 0.

A motion was made by Council Member Manassian to adjourn into Executive Session under Texas Government Code Sections 551.071, Consultation with City Attorney and 551.072, Deliberation about Real Property, and regarding Executive Session Agenda Items A – H, and Business Agenda Items O and P. Council Member King seconded the motion which carried unanimously 4 to 0.

The City Council met in Executive Session from 9:41 p.m. – 10:07 p.m.

No vote or action was taken during Executive Session. Mayor Purcell returned the meeting to Open Session at 10:07 p.m.

- O. Discuss and consider approval of a Wastewater/Easement Agreement between the City of Dripping Springs and Cannon regarding the Cannon Ranch Subdivision**
Sponsor: Mayor Pro Tem

David Tuckfield presented the item. Staff is requesting minor changes to the Easement Document so that anywhere in the easement the words “reside on Grantor’s Land” appears, those words are changed to “own any portion of the Easement Area.”

A motion was made by Mayor Pro Tem Foulds to approve a Wastewater/Easement Agreement between the City of Dripping Springs and Cannon regarding the Cannon Ranch Subdivision striking anywhere in the easement the words “reside on Grantor’s Land” appears, changing those words to “own any portion of the Easement Area,” and authorizing the Deputy City Administrator to finalize and accept the exhibits. Council Member King seconded the motion which carried unanimously 4 to .

- P. Discuss and consider approval of an Agreement between the City of Dripping Springs, Oryx Development, LLC, and Headwaters Municipal Utility District of Hays County and Concerning the Creation and Operation of the Headwaters Commercial Defined Area.**
Sponsor: Mayor Pro Tem Foulds

Laura Mueller presented the staff report which is on file. Staff recommends approval of the item.

A motion was made by Mayor Pro Tem Foulds to approve an Agreement between the City of Dripping Springs, Oryx Development, LLC, and Headwaters Municipal Utility District of Hays County and Concerning the Creation and Operation of the Headwaters Commercial Defined Area. Council Member Crow seconded the motion which carried unanimously 4 to 0.

- Q. Discuss and consider approval of an Amendment to an Interlocal Agreement (the “Agreement”), by and between the City of Dripping Springs, a general law city in Hays County, Texas (hereinafter the “City”), Dripping Springs Independent School District (hereinafter the “District”), Dripping Springs Community Library District (the “Library”), and Tax Increment Reinvestment Zone #1 and Tax Increment Reinvestment Zone #2, Dripping Springs, Texas (the “TIRZ”) (collectively the “Parties”), in connection with the development and construction of the Town Center Project, extending the Term and increasing plan study fees.**
Sponsor: Council Member Manassian

Laura Mueller presented the item. The TIRZ No. 1 & No. 2 Board did not meet on August 12, 2019 and will be rescheduling the meeting to August 19, 2019. Therefore, this item is being requested for postponement to the August 20, 2019 City Council Meeting.

A motion was made by Council Member Manassian to postpone an Amendment to an Interlocal Agreement (the “Agreement”), by and between the City of Dripping Springs, a general law city in Hays County, Texas (hereinafter the “City”), Dripping Springs Independent School District (hereinafter the “District”), Dripping Springs Community

Library District (the “Library”), and Tax Increment Reinvestment Zone #1 and Tax Increment Reinvestment Zone #2, Dripping Springs, Texas (the “TIRZ”) (collectively the “Parties”), in connection with the development and construction of the Town Center Project, extending the Term and increasing plan study fees to the Regular City Council Meeting of August 20, 2019. Council Member King seconded the motion which carried unanimously 4 to 0.

- R. Discuss and consider approval of an Amendment to the Agreement, made and entered into in June 2018 by and between the City of Dripping Springs, Texas (hereinafter referred to as the “City”) and Economic and Planning Systems, Inc. (hereinafter referred to as “Contractor”).**

Laura Mueller presented the item. The TIRZ No. 1 & No. 2 Board did not meet on August 12, 2019 and will be rescheduling the meeting to August 19, 2019. Therefore, this item is being requested for postponement to the August 20, 2019 City Council Meeting.

A motion was made by Council Member Manassian to postpone an Amendment to the Agreement, made and entered into in June 2018 by and between the City of Dripping Springs, Texas (hereinafter referred to as the “City”) and Economic and Planning Systems, Inc. (hereinafter referred to as “Contractor”) to the Regular City Council Meeting of August 20, 2019. Council Member King seconded the motion which carried unanimously 4 to 0.

- S. Appeal of administrative decision to charge professional and consultant fees as determined by ordinance as it relates to the SD2017-005 and SD2019-0021 for the Mark Black Wedding Venue and Mark Black Wedding Venue Amendment.**

Laura Mueller presented the item. The requestor has asked that the item be postponed to the September 10, 2019 City Council meeting.

A motion was made by Council member Manassian to postpone an Appeal of administrative decision to charge professional and consultant fees as determined by ordinance as it relates to the SD2017-005 and SD2019-0021 for the Mark Black Wedding Venue and Mark Black Wedding Venue Amendment to the Regular City Council Meeting of September 10, 2019. Council Member King seconded the motion which carried 3 to 1, with Council Member Crow opposed.

X. REPORTS

Reports of Staff, Boards, Commissions, Committees, Boards and Agencies. All reports are on file and available for review upon request.

- A. Parks and Community Services Department Monthly Report**
- B. Economic Development Committee Report**
Kim Fernea, Chair
- C. Transportation Committee Report**
Erik Burgeson, Chair

D. Maintenance & Facilities Report
Craig Rice, Facilities Director

XI. 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 legislation before the Texas Legislature pursuant to the City of Dripping Springs 2019 Legislative Program.**
Consultation with Attorney, 551.071
- B. Consultation with City Attorney regarding legal issues related to the Transportation Plan and Transportation Options.**
Consultation with Attorney, 551.071
- C. Deliberation of Real Property and Consultation with City Attorney regarding the purchase, exchange, lease, or value of real property related to property located in Headwaters at Barton Creek.**
Consultation with Attorney, 551.071; Deliberation of Real Property, 551.072
- D. Consultation with City Attorney regarding legal issues related to Headwaters Bond Funding Authorization.**
Consultation with Attorney, 551.071
- E. Consultation with City Attorney regarding legal issues related to the Headwaters Development Agreement.**
Consultation with Attorney, 551.071
- F. Consultation with City Attorney regarding legal issues related to the Water Reclamation Project and regarding Easement Acquisition.**
Consultation with Attorney, 551.071
- G. Consultation with City Attorney regarding legal issues related to the Dripping Springs Water Supply Corporation Retail Water Service.**
Consultation with City Attorney, 551.071
- H. Consultation with City Attorney and Deliberation regarding the purchase, exchange, lease, or value of real property related to the Tax Increment Reinvestment Zone.**
Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072

I. Consultation with City Attorney regarding legal issues related to recent legislation and case law related to fees charged for land development applications and process for land development applications.

Consultation with City Attorney, 551.071

The City Council met in Executive Session earlier in the agenda.

XII. UPCOMING MEETINGS

A. City Council & BOA Meetings

August 20, 2019 at 6:00 p.m.

September 10, 2019 at 6:00 p.m. (6:00 p.m. Workshop / 6:30 p.m. Regular Meeting)

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

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

B. Board, Commission & Committee Meetings

Utility Commission, August 14, 2019 at 4:00 p.m.

Farmers Market Board, August 15, 2019 at 10:00 a.m.

Emergency Management Commission, August 20, 2019 at 12:00 p.m.

Transportation Committee, August 26, 2019 at 3:30 p.m.

Planning & Zoning Commission, August 27, 2019 at 6:30 p.m.

Economic Development Committee, August 28, 2019 at 4:00 p.m.

Parks & Recreation Commission, September 3, 2019 at 6:00 p.m.

Historic Preservation Commission, September 4, 2019 at 4:00 p.m.

TIRZ No. 1 & No. 2 Board, September 9, 2019 at 4:00 p.m.

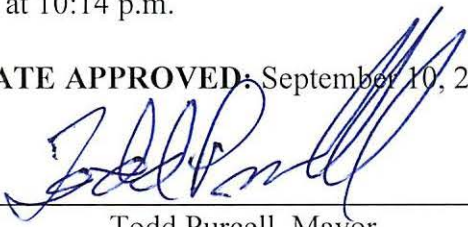
Founders Day Commission, September 9, 2019 at 6:30 p.m.

XIII. ADJOURN

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

This regular meeting adjourned at 10:14 p.m.

DATE APPROVED: September 10, 2019



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary

