

Workshop & Regular City Council Meeting

Meeting Minutes

February 12, 2019 at 5:30 p.m.

A Regular Meeting of the City Council of Dripping Springs, Texas was held Tuesday, February 12, 2019 beginning at 5:30 p.m., in the Council Chambers located at City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Mayor and City Council Members present were:

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Travis Crow
Council Member Wade King (arrived at 5:58 p.m.)
Council Member John Kroll
Council Member Taline Manassian

City Staff, Appointed Officials and Consultants present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
City Treasurer Gina Gillis
Planning Director Jason Lutz
Planning Assistant Mary Sierra
City Engineer Chad Gilpin
Building Official & Utility Coordinator Sarah Holden
Parks & Community Services Director Mariana Espinoza
Dripping Springs Ranch Park Manager Lynne Dickinson
Parks Assistant Aaron Bond
Assistant City Attorney Laura Mueller
Special Counsel David Tuckfield
Planning & Zoning Commission Chair Mim James

With a quorum of the City Council present, Mayor Purcell called the meeting to order at 5:32 p.m.

II. WORKSHOP

No action will be taken during the Workshop.

The following items were discussed during the Workshop:

Mayor Purcell directed staff to draft an ordinance for consideration amending the City Council meeting schedule for Workshops to begin at 6:00 p.m. and the regular meeting to follow at 6:30 p.m. for the first City Council meeting of each month.

The City Council discussed the function of the Workshop as an opportunity to discuss the agenda to be considered during the regular meeting at 6:30 p.m. Council Member Manassian requested this time also be used as an opportunity to discuss items that will be coming up for discussion in future meetings.

Consent Agenda Items

- A. Approval of the City Council and Board of Adjustment Regular Meeting Minutes of January 12, 2019 and January 19, 2019.**
- I. Approval of an Ordinance calling for the May 4, 2019 General Election.**
- J. Approval of Variance Request Fee Payment Reassignment from Gary Wilcher regarding fees for a Pool Encroachment Variance Request for property located at 293 Double L Drive in the Caliterra Subdivision.**
- K. Approval of form of Grinder Pump Sewer System Service Agreement, and authorization for City Administration to enter agreements.**

Business Items

- A. Discuss and Consider Approval of an Eagle Scout Project and Donation Agreement between the City of Dripping Springs and Ryan Kethley and Tim Short for the construction of a shade structure at Founders Memorial Park Pool.**
- E. Discuss and consider approval of SUB2018-0065: Ragland Replat, located northeast of Roger Hanks Parkway and in between Highway 290 and Old Highway 290 (Legal Description: R J Ragland - Dripping Springs LOT 1 and Approximately 0.752 acres out of A0415 Philip A Smith Survey, and a Vacated Pt of US HWY 290).**
- F. Discuss and consider approval of SUB2018-0040: a preliminary plat application establishing Caliterra Phase 3, Section 9, and Phase 4, Section 11, located at FM 150 and Ranch Road 12 (Legal Description: ABS. 415 Phillip A. Smith Survey 22) for 190 residential lots.**
- I. Discuss and consider approval of a Contract Instructor Agreement between the City of Dripping Springs and Aging is Cool, LLC for Classes at Dripping Springs Ranch Park.**
- N. Discuss and consider approval of a Location Release Agreement between the City of Dripping Springs and UMG Nashville for permission to use Dripping Springs Ranch Park for the purpose of creating footage and use of the City Logo.**

A motion was made by Mayor Pro Tem Foulds to recess into Executive Session as authorized by Texas Government Code Sections 551.071 (Consultation with City Attorney) and 551.072 (Deliberations about Real Property), and regarding Executive Session Agenda Items A – E. Council Member Manassian seconded the motion which carried unanimously 5 to 0.

Executive Session Agenda

- A. Consultation with City Attorney regarding to legal issues related to the regulation of City Right-of-Ways as it relates to the use of motorized and non-motorized vehicles for hire.**
- B. Consultation with City Attorney regarding legal issues related to Sign Ordinance Amendments.**

- C. Deliberation of Real Property transaction and consultation with City Attorney regarding property located in Headwaters at Barton Creek.**
- D. Consultation with City Attorney regarding legal issues related to subdivision and street requirements for property at Gateway 26 doors.**
- E. Consultation with City Attorney regarding legal issues related to potential land use and utilities changes under state law.**

The City Council met in Executive Session from 5:52 p.m. – 6:38 p.m.

Council Member Kroll recused from Executive Session Agenda Item A and exited the Conference Room.

Council Member Crow recused from Executive Session Agenda Item E and exited the Conference Room.

No action or vote was taken during Executive Session. Mayor Purcell returned the meeting the Open Session at 6:38.

III. RECESS

The City Council did not recess after Executive Session.

IV. RECONVENE AT 6:30 P.M.

Mayor Purcell reconvened the meeting and with a quorum of the City Council present returned the meeting to Open Session at 6:38 p.m.

V. PLEDGE OF ALLEGIANCE

Stu Hoyt with the William Hightower Chapter of the Sons of the American Revolution led the Pledge of Allegiance to the Flag.

VI. 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. Presentation of a Proclamation proclaiming February 2019 as "Dating Violence Awareness Month" in the City of Dripping Springs, Texas.**
Sponsor: Council Member King

Council Member King read the proclamation.

- B. Presentation of a Proclamation proclaiming February 22, 2019 as "George Washington Day" in the City of Dripping Springs, Texas.**
Sponsor: Council Member King

Council Member King read the proclamation.

At the request of Mayor Pro Tem Foulds, Mayor Purcell agreed to hear Business Agenda Item L out of order.

L. Discuss and consider approval of a Resolution of Support regarding the dedication of a section of Highway 290 in honor of Veteran John A. McCarty.

Charles Busbey presented the item and read his letter of request which is on file.

A motion was made by Mayor Pro Tem Foulds to approve a Resolution of Support regarding the dedication of a section of Highway 290 in honor of Veteran John A. McCarty, with direction to staff make corrections to the final document before the Mayor's signature. Council Member King seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No. 201-R05.

VII. PRESENTATION OF CITIZENS

The floor is open for Citizens wishing to speak on items that are not on the posted agenda or 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.

No one spoke during Presentation of Citizens.

VIII. 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.

Consent Agenda Item A was removed from consideration as requested by staff. Consent Agenda Item K was removed for separate consideration as requested by Council Member Kroll.

- A. Approval of the City Council and Board of Adjustment Regular Meeting Minutes of January 12, 2019 and January 19, 2019.**
- B. Approval of the City Treasurers Report for January 2019.**
- C. Approval of request from Hays County Sheriff's Department to use one set of Portable Bleachers from Dripping Springs Ranch Park at No Fee for their Annual Motorcycle Competition Fundraiser.**
Sponsor: Council Member King

- D. **Approval of a Co-Sponsorship Agreement Between the City of Dripping Springs and Dripping Springs Christian Academy to Place a Registration Banner at The Triangle During February 2019.**
Sponsor: Council Member King
- E. **Approval of a Pool Use Agreement between the City of Dripping Springs and Tiger Splash to use Founders Memorial Park Pool.**
Sponsor: Council Member King
- F. **Approval of a Co-Sponsorship Agreement for the 2019 Texas Hill Country Rally for Kids and Temporary Road Closure Permit Mercer St at 290 to Mercer St at RR12, Mercer St at San Marcos, Mercer St at Bluff St, College Street to Mercer St and Old Fitzhugh to Mercer St for October 13, 2019 and a rain date of October 27, 2019.**
Sponsor: Council Member King
- G. **Approval of a Joint Election Agreement between the City of Dripping Springs and Dripping Springs Independent School District to hold a joint election in voting precincts for the May 4, 2019 General Election.**
- H. **Approval of an Election Services Contract between the City of Dripping Springs and the Hays County Election Administrator for Election Services regarding the May 4, 2019 General Election.**
- I. **Approval of an Ordinance calling for the May 4, 2019 General Election.**
- Filed as Ordinance No. 2019-05.**
- J. **Approval of Variance Request Fee Payment Reassignment from Gary Wilcher regarding fees for a Pool Encroachment Variance Request for property located at 293 Double L Drive in the Caliterra Subdivision.**
Sponsor: Mayor Pro Tem Foulds
- K. **Approval of form of Grinder Pump Sewer System Service Agreement, and authorization for City Administration to enter agreements.**
- L. **Approval of the Acceptance of a Petition for the Annexation of approximately 32 acres into the City of Dripping Springs Extraterritorial Jurisdiction.**
- M. **Approval of a Professional Services Agreement between the City of Dripping Springs and CMA Engineering for Engineering Services regarding Permit Renewal in relation to TCEQ Wastewater Permit Renewal No. WQ0014488001 (South Regional Wastewater Facility).**
Sponsor: Mayor Pro Tem Foulds
- N. **Approval of a Professional Services Agreement between the City of Dripping Springs and CMA Engineering regarding Permit Renewal for in relation to TCEQ Wastewater Permit Renewal No. WQ0014488002 (Scenic Greens/Westwood Wastewater Facility).**
Sponsor: Mayor Pro Tem Foulds

O. Approval of a Resolution Consenting to the Provision of Wastewater Service by Hays County Municipal District No. 5 and regarding service to the North Hays County Fire Rescue Station.

Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2019-R03.

A motion was made by Council Member Kroll to approve Consent Agenda Items B – J and L – O. Council Member King seconded the motion which carried unanimously 5 to 0.

A motion was made by Council Member Manassian to approve Consent Agenda Item K, approval of form of Grinder Pump Sewer System Service Agreement, and authorization for City Administration to enter agreements. Mayor Pro Tem Foulds seconded the motion which carried 4 to 1, with Council Member Kroll recused.

IX. BUSINESS

A. Discuss and Consider Approval of an Eagle Scout Project and Donation Agreement between the City of Dripping Springs and Ryan Kethley and Tim Short for the construction of a shade structure at Founders Memorial Park Pool.

Sponsor: Council Member King

Applicant Ryan Kethley presented the item.

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

A motion was made by Council Member Kroll to approve an Eagle Scout Project and Donation Agreement between the City of Dripping Springs and Ryan Kethley and Tim Short for the construction of a shade structure at Founders Memorial Park Pool. Council Member King seconded the motion which carried unanimously 5 to 0.

B. Public Hearing #1 for the purpose of receiving public comments on the proposed initiation of voluntary annexation proceedings under Section 43.024 of the Local Government Code for approximately 14.018 acres, which includes adjacent right-of-way, situated in the Benjamin F. Hanna Survey No. 28, Abstract No. 222, Hays County, Texas, generally located north of U.S. Highway 290, west of Bell Springs Road, and east of Farrell Lane

1. Presentation – no presentation given.

2. Staff Report

Jason Lutz presented the staff report which is on file.

3. Public Hearing

No one spoke during the Public Hearing.

- C. Public Hearing #2 for the purpose of receiving public comments on the proposed initiation of voluntary annexation proceedings under Section 43.024 of the Local Government Code for approximately 14.018 acres, which includes adjacent right-of-way, situated in the Benjamin F. Hanna Survey No. 28, Abstract No. 222, Hays County, Texas, generally located north of U.S. Highway 290, west of Bell Springs Road, and east of Farrell Lane.**

1. Presentation – no presentation given.

2. Staff Report

Jason Lutz presented the staff report which is on file.

3. Public Hearing

No one spoke during the Public Hearing.

- D. Discuss and consider approval of SUB2018-0063: a preliminary plat application establishing the Esperanza Subdivision, located in the City of Dripping Springs, along Bell Springs Rd. and south of Harmon Hills Rd./FM 348 (Legal Description: Indian Point, Lot 2A, acres 107.80) for the construction of 104 residential lots at 0.75 acres each.**

Applicant: Marc Dickey

1. Presentation

Erin Needham presented the item.

2. Staff Report

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item contingent on the applicant resolve issues regarding street names prior to the Mayor's signature.

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval unanimously 7 – 0, citing public comment regarding traffic and safety, and density.

4. Public Hearing

Kathy Boydston, Carl Aubrey, Renee Loupe, Jericho Loupe, Martin McConahay, Mark Striker and Brian Shultz spoke during the Public Hearing.

5. SUB2018-0040: Esperanza Preliminary Plat

At the direction of City Council, staff will continue to work with the applicant, Hays County and residents to address traffic and safety concerns and drainage.

A motion was made by Council Member Manassian to postpone consideration of approval of SUB2018-0063: a preliminary plat application establishing the Esperanza Subdivision, located in the City of Dripping Springs, along Bell Springs Rd. and south of Harmon Hills Rd./FM 348 (Legal Description: Indian Point, Lot 2A, acres 107.80) for the construction of 104 residential lots at 0.75 acres each to the March 12, 2019 City Council Meeting, and with direction to staff to re-notice the item with the correct reference to the property location being in the City limits. Council Member Crow seconded the motion which carried unanimously 5 to 0.

- E. Discuss and consider approval of SUB2018-0065: Ragland Replat, located northeast of Roger Hanks Parkway and in between Highway 290 and Old Highway 290 (Legal Description: R J Ragland - Dripping Springs LOT 1 and Approximately 0.752 acres out of A0415 Philip A Smith Survey, and a Vacated Pt of US HWY 290). Applicant: City of Dripping Springs**

1. Presentation – no presentation given.

2. Staff Report

Staff requests postponement of this item to address concerns regarding street names.

3. Planning and Zoning Commission Report – no report presented.

4. Public Hearing

No one spoke during the Public Hearing.

5. SUB2018-0065: Ragland Replat

A motion was made by Council Member Kroll to postpone consideration of approval of SUB2018-0065: Ragland Replat, located northeast of Roger Hanks Parkway and in between Highway 290 and Old Highway 290 (Legal Description: R J Ragland - Dripping Springs LOT 1 and Approximately 0.752 acres out of A0415 Philip A Smith Survey, and a Vacated Pt of US HWY 290) to the March 12, 2019 City Council meeting. Council Member King seconded the motion which carried unanimously 5 to 0.

- F. Discuss and consider approval of SUB2018-0040: a preliminary plat application establishing Caliterra Phase 3, Section 9, and Phase 4, Section 11, located at FM 150 and Ranch Road 12 (Legal Description: ABS. 415 Phillip A. Smith Survey 22) for 190 residential lots. Applicant: Bill Couch**

1. Presentation

Applicant Bill Couch was present and available for questions from the City Council. Mr. Couch noted that the preliminary plat is platted for a total of 195 lots, of which 185 lots will be single-family residential.

2. Staff Report

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

3. Planning and Zoning Commission Report

Chair James: Commission recommended approval unanimously 7 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. SUB2018-0040: Preliminary Plat

A motion was made by Council Member Kroll to approve SUB2018-0040: a preliminary plat application establishing Caliterra Phase 3, Section 9, and Phase 4, Section 11, located at FM 150 and Ranch Road 12 (Legal Description: ABS. 415 Phillip A. Smith Survey 22) for 185 residential lots. Council Member Crow seconded the motion which carried unanimously 5 to 0.

G. Discuss and consider approval of an Ordinance Replacing Chapter 26 of the Dripping Springs Code of Ordinances; Amending Allowed Signs, Policies, and Procedures for Signs in the City Limits and the Extraterritorial Jurisdiction.

1. Staff Report

Laura Mueller presented the staff report which is on file. Staff recommends approval with the condition that the effective date for temporary signs be June 1, 2019.

2. Planning and Zoning Commission Report

Chair James: Commission recommended approval 6 to 1, with Chair James opposed.

3. Public Hearing

No one spoke during the Public Hearing.

4. Chapter 26 Ordinance

A motion was made by Council Member Kroll to approve an Ordinance Replacing Chapter 26 of the Dripping Springs Code of Ordinances; Amending Allowed Signs, Policies, and Procedures for Signs in the City Limits and the Extraterritorial Jurisdiction with the effective date for temporary signs as June 1, 2019. Council Member Crow seconded the motion which carried 3 to 1 to 1, with Mayor Pro Tem Foulds opposed and Council Member Manassian abstaining.

- H. Discuss and Consider Approval of an Itinerant Vendor Fee Reduction for the 2019 Artisan Market Day Vendors at Veterans Memorial Park.**
Sponsor: Council Member King

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

A motion was made by Council Member Kroll to approve an Itinerant Vendor Fee Reduction for the 2019 Artisan Market Day Vendors at Veterans Memorial Park. Council Member King seconded the motion which carried unanimously 5 to 0.

- I. Discuss and consider approval of a Contract Instructor Agreement between the City of Dripping Springs and Aging is Cool, LLC for Classes at Dripping Springs Ranch Park.**
Sponsor: Council Member King

A motion was made by Council Member King to approve a Contract Instructor Agreement between the City of Dripping Springs and Aging is Cool, LLC for Classes at Dripping Springs Ranch Park with changes to 3B regarding the percentages and the effective and duration dates as discussed in the Workshop. Council Member Kroll seconded the motion which carried 4 to 1, with Mayor Pro Tem Foulds opposed.

- J. Discuss and consider approval of Professional Service Agreements between the City of Dripping Springs and CMA Engineering, regarding the City's Request for Qualifications related to Wastewater System Improvements expected to be funded by the Texas Water Development Board.**
Sponsor: Mayor Pro Tem Foulds

Ginger Faught presented the staff report. Staff recommends approval of the agreement with the recommendation that reference to "one year" in regard to the duration of the agreement be stricken. Staff prefers the agreement be effective for the duration of the project rather than tied to a specific amount of time.

A motion was made by Council Member Kroll to approve a Professional Service Agreements between the City of Dripping Springs and CMA Engineering, regarding the City's Request for Qualifications related to Wastewater System Improvements expected to be funded by the Texas Water Development Board, with the reference to the duration of "one year" be stricken from the agreement. Council Member King seconded the motion which carried unanimously 5 to 0.

- K. Discuss and consider approval of a Resolution amending the City of Dripping Springs Personnel Manual for the adoption of a Surplus Equipment Policy.**
Sponsor: Mayor Pro Tem Foulds

A motion was made by Mayor Pro Tem Foulds to approve a Resolution amending the City of Dripping Springs Personnel Manual for the adoption of a Surplus Equipment Policy. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No, 2019-R04.

- L. Discuss and consider approval of a Resolution of Support regarding the dedication of a section of Highway 290 in honor of Veteran John A. McCarty.**
Sponsor: Mayor Pro Tem Foulds

This item was heard and approved previously in the agenda.

- M. Discuss and consider approval of a Joint Billing Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation.**
Sponsor: Mayor Pro Tem Foulds

Council Member Crow recused himself from this item and stepped off the dais.

A motion was made by Mayor Pro Tem Foulds to approve a Joint Billing Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation. Council Member Kroll seconded the motion which carried 4 to 1, with Council Member Crow recused.

- N. Discuss and consider approval of a Location Release Agreement between the City of Dripping Springs and UMG Nashville for permission to use Dripping Springs Ranch Park for the purpose of creating footage and use of the City Logo.**
Sponsor: Council Member King

A motion was made by Council Member King to approve a Location Release Agreement between the City of Dripping Springs and UMG Nashville for permission to use Dripping Springs Ranch Park for the purpose of creating footage and use of the City Logo with the condition that UMG apply and obtain a filming permit as required by City ordinance prior to releasing the agreement. Mayo Pro Tem Foulds seconded the motion which carried unanimously 5 to 0.

X. REPORTS

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

Reports are on file and available for review by request.

- A. Parks and Community Services Department Monthly Report-Mariana Espinoza**
Mariana Espinoza, Parks & Community Services Director
- B. Facilities & Maintenance Report**
Craig Rice, Maintenance Director
- C. Emergency Management Commission**

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 to legal issues related to the regulation of City Right-of-Ways as it relates to the use of motorized and non-motorized vehicles for hire.**
Consultation with Attorney, 551.071
- B. Consultation with City Attorney regarding legal issues related to Sign Ordinance Amendments**
Consultation with Attorney, Section 551.071
- C. Deliberation of Real Property transaction and consultation with City Attorney regarding property located in Headwaters at Barton Creek.**
551.071 Consultation with Attorney; 551.072 Deliberation of Real Property
- D. Consultation with City Attorney regarding legal issues related to subdivision and street requirements for property at Gateway 26 doors.**
551.017 Consultation with Attorney
- E. Consultation with City Attorney regarding legal issues related to potential land use and utilities changes under state law.**
Consultation with City Attorney, 551.071

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

XII. UPCOMING MEETINGS

- A. City Council & Board of Adjustment Regular Meetings:**
February 19, 2019 - 6:00 p.m. Regular Meeting
March 12, 2019 - 5:30 p.m. Workshop, 6:30 p.m. Regular Meeting
March 19, 2019 - 6:00 p.m. Regular Meeting
- B. December/January Board & Commission Meetings:**
February 21, 2019 - 10:00 a.m. Farmers Market Association Board
February 21, 2019 - 5:00 p.m. Emergency Management Commission
February 26, 2019 - 6:30 p.m. Planning & Zoning Commission
March 4, 2019 - 4:00 p.m. TIRZ No 1 No. 2 Board
March 4, 2019 - 6:00 p.m. Parks & Recreation Commission

March 6, 2019 - 4:00 p.m. Historic Preservation Commission

XIII. ADJOURN

A motion was made by Council Member Kroll to adjourn the meeting. Council Member King seconded the motion which carried unanimously 5 to 0.

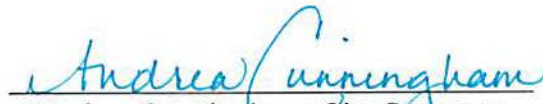
This regular meeting adjourned at 8:16 p.m.

DATE APPROVED: March 12, 2019



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary

