

Regular Meeting City Council & Board of Adjustment Meeting December 11, 2018 at 5:30 p.m.

A Regular Meeting of the City Council & Board of Adjustment of Dripping Springs, Texas was held Tuesday, December 11, 2018 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

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 Taline Manassian

City Staff/Appointed Officials/Consultant 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
Communications Coordinator Bonnie Gonzalez
Planning & Zoning Commission Chair Mim James
Historic Preservation Consultant Keenan Smith

With a quorum of the City Council present, Mayor Purcell called the meeting to order at 5:31 p.m.

II. PLEDGE OF ALLEGIANCE

A. Dripping Springs Cub Scout Pack 280 to lead Pledge of Allegiance to the Flag

Members of Dripping Springs Cub Scout Pack 280 led the Pledge of Allegiance to the Flag.

III. 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 in Recognition of the Lions Club and their Contributions to the Community

Council Member King read and presented the proclamation to members of the Dripping Springs Lion's Club. Council Member King also recognized Lion's Club First Vice President Evan Taddia, who will be moving from Dripping Springs, contributions to the City

and the Community. Mr. Taddia has served on the City of Dripping Springs' Founders Day Commission since 2006 and is the outgoing Vice Chair of the Commission.

B. Presentation of Dripping Springs Film Friendly Community Certificate by Kim LeBlanc with the Texas Film Commission

Kim LeBlanc presented the City a Film Friendly Community Certificate from the Texas Film Commission, recognizing the City for its contributions to the film industry. Ms. LeBlanc also recognized the Dripping Springs Visitor's Bureau Pam Owens for efforts in designating the City of Dripping Springs as Film Friendly.

IV. 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.

Doug Marsh performed a song he had written about Founders Day.

V. 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. Approval of the November 13, 2018 Workshop and Regular meeting Minutes of the City Council & Board of Adjustment**
- B. Approval of the November 2018 City Treasurer Report**
- C. Approval of Co-Sponsorship Agreement between DS Ag Boosters and the City of Dripping Springs to hold the Dripping Springs Fair and Rodeo in July 2019 at Dripping Springs Ranch Park and Event Center.**
Sponsor: Mayor Purcell
- D. Approval of a License Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau Regarding the Display of Holiday Decorations on City Property and In City Right-of-Way.**
Sponsor: Mayor Purcell
- E. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and New Life Lutheran Church, and regarding the Thirsty Thursday 2019 Events**
Sponsor: Council Member King

- F. **Approval of Co-Sponsorship between the City of Dripping Springs and the Dripping Springs Chamber of Commerce regarding the 2019 First Thursday Event**
Sponsor: Council Member King

- G. **Approval of a Resolution of the City of Dripping Springs Approving the Founders Memorial Park Master Plan.**
Sponsor: Council Member King

Filed as Resolution No. 2018-R38

- H. **Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Hill Country Health Management Team for Community Clinic Enrollments and Public Health Campaigns.**
Sponsor: Mayor Purcell

- I. **Approval of a Resolution of the City of Dripping Springs Texas ("City"), Consenting to Bond for Reunion Ranch Water Control and Improvement District of Hays County ("District").**
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2018-R39

- J. **Approval of Temporary Road Closure of Wallace to Bluff Street on February 2, 2019 from 12:00 p.m. to 4:00 p.m. and a Co-Sponsorship Agreement between the City of Dripping Springs and Dripping Springs High School Baseball Booster Club regarding a Washer Tournament Fundraiser**
Sponsor: Council Member King

- K. **Approval of Resolution Appointing Alternate Members to the Board of Adjustment.**
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2018-R40

- L. **Approval of the City of Drippings City Council, Boards, Commissions and Committees Meeting Calendar for the 2019 Calendar Year, and the City of Dripping Springs 2019 City Hall Holiday and Closure Schedule**

- M. **Approval of a Resolution of the City of Dripping Springs Consenting to and Approving Assignment of one (1) Wastewater Living Unit Equivalents from Lot 1, JWLP Family Final Plat to Lot 2, JWLP Family Final Plat**
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2018-R41

- N. **Approval of the appointment of Darrell Debish to the Founders Day Commission to fill a vacated seat for a term ending June 30, 2020**

- O. Approval of the reappointment of Kay Allen, Scott Collard, Ron Hood and Robert Lamb the Emergency Management Commission for terms ending January 1, 2021
- P. Approval of a Resolution Appointing Dave Edwards, Mim James, Missy Atwood, Dr. Bruce Gearing, and John McIntosh to the TIRZ No. 1 & No. 2 Board of Directors for terms ending December 31, 2020

Filed as Resolution No. 2018-R42

- Q. Approval to postpone indefinitely SUB2018-0028: Proposed Final Plat, with a requested variance from Article 28.02 Subdivision Ordinance, Sec. 14 Lots, Sub. Sec. 14.2 Frontage, to allow multiple lots to utilize a shared access easement and not require the construction of an improved public or private street, on Creek Road in Dripping Springs, Texas (Legal Description: Cypress Fork Ranch Subdivision, Lots 1-4, Final Plat, totaling 19.050 acres out of the Benjamin F. Hanna League Survey, No. 28, Abstract No. 222, Hays County, TX . Applicant Jen Paisely, P.E.
- R. Approval to postpone indefinitely VAR2018-0009: A request of Three Variances to include: (1) an encroachment into the front and side yard building setback to allow construction on an existing slab; (2) a 25' side yard setback for new construction instead of the required 40'; and (3) a request for the 80 foot building separation requirement be reduced to no less than the separation requirements found in the current building and fire codes, and regarding property located at 505 Old Fitzhugh Road Dripping Springs, TX, Abstract 0415 Philip A Survey, 7.38 Acres, Hays County. Applicant Rafael Varela
- S. Approval to postpone indefinitely SUB2018-0053: a proposed conceptual plan for the "Forbes Tract," located at 14455 FM 1826 on the north side of FM 1826, (Legal Description +/-107.19 acres out of A0224 Richard Hailey Survey). The subdivision is proposed to have 78 single-family residential lots, 7 streets, and requesting a variance to the minimum lot size of 1.5 acres for lots with public water and septic to a minimum lot size of 1.00 acres. Applicant Pablo H. Martinez
- T. Approval to postpone to the January 8, 2019 City Council & Board of Adjustment Regular Meeting DA2018-0001 (Driftwood 522): a proposed Development Agreement for approximately 522.636 acres of land located in the City's extraterritorial jurisdiction (ETJ) located southeast of the intersection of FM 1826 and FM 967, and west of Brangus Road (legal description: Tract 1-522.25 Acres and Tract 2-0.1793 Acre out of the Frelove Woody Survey No. 23, Abstract No. 20, Hays County, Texas). Applicant Don Bosse

The proposed development will consist of residential areas, parkland and open space. The proposed Development Agreement includes several provisions, including but not limited to the following: provision of housing; provision of utilities; parkland dedication; environmental protection standards; density and impervious cover limitations and standards; hilltop preservation; outdoor lighting; and architectural standards. The proposed project includes, but is not limited to the following proposed variances/alternative standards: water quality performance standards and

development; minimum lot sizes; sidewalks; maximum cuts and fills; residential block lengths and cul-de-sac lengths; maximum impervious cover; minimum lot frontage; and street cross-sections in regards to fire access.

- U. Approval to postpone to the January 8, 2019 City Council & Board of Adjustment Regular Meeting SUB2018-0023: a preliminary plat application establishing a 5 lot subdivision, including a variance request for required water quality buffer zones (WQBZ) for the Cobb Ranch Estates Subdivision, approximately 19 acres located at 1840 Reunion Ranch Blvd (Legal Description: 1906 acres out of the Seaborn J. Whatley Survey). Applicant Jon Thompson
- V. Approval to postpone to the January 8, 2019 City Council & Board of Adjustment Regular Meeting SUB2018-0046: a replat to combine lots 13A and 14A into a newly created lot 13B, located at 1347 Trebled Waters Trail, Dripping Springs, Texas (Legal Description: Howard Ranch Subdivision, Sec. 2, Lots 13A and 14A, totaling 10.7344 acres, Hays County, TX). Applicant Jon Thompson
- W. Approval of a Resolution Accepting Improvements and Approving Maintenance Bond for Streets, Drainage and Wastewater Improvements in the Founders Ridge Subdivision
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2018-R43

- X. Approval of a Professional Services Agreement between the City of Dripping Springs and HDR Engineering, Inc. regarding Engineering Services for Fiscal Year 2019
Sponsor: Mayor Pro Tem Foulds

A motion was made by Council Member Kroll to approve Consent Agenda Items A – X. Council Member King seconded the motion which carried unanimously 5 to 0.

A motion was made by Council Member Kroll to recess into Executive Session under 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); and the following Executive Session Agenda Items, and Business Item E under Texas Government Code Section 551.071 (Consultation with Attorney). Council Member King seconded the motion which carried unanimously 5 to 0.

EXECUTIVE SESSION AGENDA

- A. Consultation with City Attorney regarding the Settlement Agreement between the City of Dripping Springs and Other Parties regarding Texas Pollutant Discharge Elimination System Permit No. WQ001448803; and the Creation of a Utility Commission
Consultation with City Attorney, 551.071

- B. Deliberation regarding the potential purchase of all or a portion of real property related to the Transportation Plan.**
Purchase, Exchange, Lease or Value of Real Property, 551.072
- C. Consultation with City Attorney regarding legal issues related to election options for the City Council**
Consultation with City Attorney, 551.071
- D. Consultation with City Attorney regarding legal issues related to pay.**
Consultation with City Attorney, 551.07

BUSINESS AGENDA

- E. Discuss and consider approval of a Professional Services Agreement between the City of Dripping Springs and Focused Advocacy for legislative services.**
Sponsor: Council Member Kroll

The City Council met in Executive Session from 5:49 p.m. – 6:26 p.m. No action was taken during the Executive Session.

Mayor Pro Tem Foulds returned the meeting to Open Session at 6:26 p.m., and reopened Presentation of Citizens.

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.

Todd Purcell spoke regarding the City's Application for Wastewater Permit, and thanked the City Council, Staff and Consultants for their hard work and dedication throughout the application process.

VI. SUBDIVISIONS, SITE DEVELOPMENT, ZONING, SIGNAGE, CONDITIONAL USE PERMITS, VARIANCES, WAIVERS AND SPECIAL EXCEPTIONS

- A. Discuss and consider approval regarding SUB2018-0048 a replat to combine lots 21 and 22 into a newly created lot 21A, located at 140 Rodgers Ravine CV, Driftwood, Texas (Legal Description: Rim Rock Subdivision, Phase 3, Sec. 3, Lots 21 and 22, totaling 2.1792 acres, Hays County, TX). Applicant Jon Thompson**

1. Presentation

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

2. Staff Report

Chad Gilpin presented the staff report which is on file. Staff recommends approval with the condition that the applicant receive 1445 approval and address remaining open comments; and with the Planning & Zoning Commission recommendation that the Mayor not sign the plat until the applicant receives 1445 approval.

3. Planning and Zoning Commission Report

Chair James: Commission recommended approval 6-0 with the condition that Mayor not sign the plat until the applicant receives 1445 approval.

4. Public Hearing

No one spoke during the Public Hearing.

5. SUB2018-0048 Replat

A motion was made by Mayor Pro Tem Foulds to approve SUB2018-0048 a replat to combine lots 21 and 22 into a newly created lot 21A, located at 140 Rodgers Ravine CV, Driftwood, Texas (Legal Description: Rim Rock Subdivision, Phase 3, Sec. 3, Lots 21 and 22, totaling 2.1792 acres, Hays County, TX), with the following staff recommendations:

1. Applicant receive 1445 approval;
2. Applicant address remaining open comments; and
3. The Mayor not sign the plat until the applicant receives 1445 approval.

Council Member King seconded the motion which carried unanimously 5 to 0.

B. Discuss and consider approval regarding SUB2018-0050 a replat of Lot 15 of the Blue Creek Ranch Subdivision to modify the boundaries of an existing water quality buffer zone in order to comply with updated regulations for property located at 550 Blue Creek Drive, Dripping Springs, Texas (Legal Description: Blue Creek Ranch Subdivision, Lot 15, totaling 6.243 acres, Hays County, TX). Applicant Jon Thompson

1. Presentation

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

2. Staff Report

Chad Gilpin presented the staff report which is on file. The applicant has addressed comments and obtained 1445 approval. Staff recommends approval.

3. Planning and Zoning Commission Report

Chair James: Commission recommended approval 6 to 0, with the condition that the applicant obtain 1445 approval, which has since been obtained and is on file with the City.

4. Public Hearing

No one spoke during the Public Hearing.

5. SUB2018-0050 Replat

A motion was made by Council Member King to approve SUB2018-0050 a replat of Lot 15 of the Blue Creek Ranch Subdivision to modify the boundaries of an existing water quality buffer zone in order to comply with updated regulations for property located at 550 Blue Creek Drive, Dripping Springs, Texas (Legal Description: Blue Creek Ranch Subdivision, Lot 15, totaling 6.243 acres, Hays County, TX). Council Member Crow seconded the motion which carried unanimously 5 to 0.

C. Discuss and consider approval of an Ordinance regarding ZA2018-0006 a requested zoning change from Commercial Services District (CS) to Office (O) for property located at 700 W. Hwy 290, Dripping Springs, Texas (Legal Description: JWLP Family Final Plat Subdivision, Lot 1, Hays County, TX). Applicant Rex Baker

1. Presentation

Applicant Rex Baker presented the item. The subject property was purchased for use as a bank; however, the property is currently zoned CS which only allows the use as bank with a Conditional Use Permit. The permit has to be reapplied for the duration of the use as a bank and the owner is requesting a rezone of the property to avoid this issue. This will also reduce the impervious cover to 60%, which is less than currently allowed.

2. Staff Report

Jason Lutz presented the staff report which is on file. Since the proposed zoning classification is more restrictive and less intense than what current zoning would allow, and that the proposed use is allowed in both the current zoning (with a CUP) and the proposed zoning, staff recommends approval of the requested zoning change.

3. Planning and Zoning Commission Report

Chair James: Commission recommended approval 6 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. ZA2018-0006 Ordinance

Council Member Kroll spoke, and was hesitant to remove Retail Services from that particular corner.

A motion was made by Council Member King to approve an Ordinance regarding ZA2018-0006 a requested zoning change from Commercial Services District (CS) to Office (O) for property located at 700 W. Hwy 290, Dripping Springs, Texas (Legal Description: JWLP

Family Final Plat Subdivision, Lot 1, Hays County, TX). Mayor Pro Tem Foulds seconded the motion which carried 4 to 1, with Council Member Kroll opposed.

Filed as Ordinance No. 2018-29

- D. Discuss and consider approval of an Ordinance regarding ZA2018-0007 a requested zoning change from General Retail District (GR) to Local Retail District (LR) for property located at 13834 Sawyer Ranch Road, Dripping Springs, Texas (Legal Description: Sawyer Ranch 33 Subdivision, Tract 2, Lot 2-A1-B, Hays County, TX). Applicant Jon Thompson**

1. Presentation

Applicant Jon Thompson presented the item and is requesting the rezone, which is a downzone, to better represent the use as a dance studio.

2. Staff Report

Jason Lutz presented the staff report which is on file. Since the proposed zoning classification is more restrictive and less intense than what current zoning would allow, and that the adjacent parcel, to the east, is also zoned Local Retail (LR) staff recommends approval of the requested zoning change.

3. Planning and Zoning Commission Report

Chair James: Commission recommended approval 6 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. ZA2018-0007 Ordinance

Council Member confirmed with the applicant that a parking variance will be requested for this use.

A motion was made by Council Member King to approve an Ordinance regarding ZA2018-0007 a requested zoning change from General Retail District (GR) to Local Retail District (LR) for property located at 13834 Sawyer Ranch Road, Dripping Springs, Texas (Legal Description: Sawyer Ranch 33 Subdivision, Tract 2, Lot 2-A1-B, Hays County, TX). Council Member Kroll seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2018-30

VII. BUSINESS

- A. Discuss and consider approval of an Amendment to the Chapter 380 Economic Development Agreement between the City of Dripping Springs and Endeavor**

Sponsor: Council Member Kroll

1. Public Hearing

No one spoke during the Public Hearing.

A motion was made by Council Member Kroll to approve an Amendment to the Chapter 380 Economic Development Agreement between the City of Dripping Springs and Endeavor. Council Member Manassian seconded the motion which carried 3 to 2, with Mayor Pro Tem Foulds and Council Member Crow opposed.

B. Approval of DA2018-0004: Belterra Commercial Development Agreement Second Amendment between the City of Dripping Springs and ERG Belterra, Ltd.

Sponsor: Mayor Purcell

Jason Lutz presented the staff report which is on file. City Council considered and approved the amendments on Nov. 13, 2018 based on P&Z recommendations and requested staff to add the building height exhibit and correct any errors in the document. Staff recommends approval of the item.

A motion was made by Council Member Kroll to approve DA2018-0004: Belterra Commercial Development Agreement Second Amendment between the City of Dripping Springs and ERG Belterra, Ltd. Council Member Manassian seconded the motion which carried 3 to 2, with Council Members King and Crow opposed.

C. Discuss and consider approval of a Nonstandard Wholesale and Retail Water Service Agreement between the City of Dripping Springs and Double L Development, LLC and regarding Double L Ranch (AKA-Anarene Development)

Sponsor: Mayor Pro Tem Foulds

Ginger Faught's staff report is on file.

A motion was made by Mayor Pro Tem Foulds to approve a Nonstandard Wholesale and Retail Water Service Agreement between the City of Dripping Springs and Double L Development, LLC and regarding Double L Ranch (AKA-Anarene Development). Council Member Kroll seconded the motion which carried 4 to 1, with Council Member Crow recusing.

D. Discuss and consider approval of a Wastewater Utility & Service Fee Agreement between the City of Dripping Springs and Double L Development, LLC and regarding Double L Ranch (AKA-Anarene Development)

Sponsor: Mayor Pro Tem Foulds

Ginger Faught's staff report is on file.

A motion was made by Mayor Pro Tem Foulds to approve a Wastewater Utility & Service Fee Agreement between the City of Dripping Springs and Double L Development, LLC and regarding Double L Ranch (AKA-Anarene Development) with the condition that the number

of days left blank on page 7 of the agreement be filled in by January 7, 2019, or the agreement will need to be brought back to City Council for consideration. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

- E. Discuss and consider approval of a Professional Services Agreement between the City of Dripping Springs and Focused Advocacy for legislative services.**
Sponsor: Council Member Kroll

A motion was made by Council Member Kroll to approve a Professional Services Agreement between the City of Dripping Springs and Focused Advocacy for legislative services with technical, non-substantive corrections. Council Member Crow seconded the motion which carried 4 to 1, with Council Member Manassian opposed.

- F. Discuss and consider approval of an Ordinance Disannexing an approximately 7.4307 acre parcel of land located in the Alex McGown Survey in the Corporate City Limits of the City of Dripping Springs**

Ginger Faught presented the item. The developer is requesting disannexation of Lot 1E-1, zoned as Multi-Family.

Michelle Fischer explained that the ordinance would remove the property from the Special Purpose Agreement, and that the property will still be subject to the Development Agreement.

A motion was made by Mayor Pro Tem Foulds to approve an Ordinance Disannexing an approximately 7.4307 acre parcel of land located in the Alex McGown Survey in the Corporate City Limits of the City of Dripping Springs. Council Member Kroll seconded the motion which carried 4 to 1, with Council Member Crow opposed.

Filed as Ordinance No. 2018-31

- G. Discuss and consider approval of a Resolution Accepting a Petition and setting public hearing dates for the Voluntary Annexation of 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.**

A motion was made by Council Member Kroll to approve a Resolution Accepting a Petition and setting public hearing dates for the Voluntary Annexation of 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. Council Member King seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No. 2018-R44

- H. Discuss and consider termination of Mowing Contract between the City of Dripping Springs and Worthy Commercial, LLC on January 31, 2019**

Sponsor: Mayor Purcell

Michelle Fischer presented the item. Staff is requesting to terminate the contract so that the City may open bids for this mowing project, and that this is not with the same company that was recently awarded the DSRP mowing contract. Staff recommends approval of contract termination and will post bids for a new contract upon approval.

Laura Mueller explained that the City is reducing the scope and that maintenance staff will be taking over the mowing of certain City properties.

A motion was made by Mayor Pro Tem Foulds to approve the termination of Mowing Contract between the City of Dripping Springs and Worthy Commercial, LLC on January 31, 2019. Council Member Crow seconded the motion which carried unanimously 5 to 0.

I. Discuss and consider approval of an Agreement between the Hays County Livestock Board and the City of Dripping Springs for Parking at Dripping Springs Ranch Park.
Sponsor: Mayor Purcell

Laura Mueller presented the staff report which is on file. Staff recommends approval of the Parking Agreement which is related to the Dripping Springs Ranch Park Livestock Addition.

Mayor Purcell directed Laura Mueller to change the agreement to reflect that it is relation to Phase 1 of the RV and additional parking construction which upon completion by the City, will trigger the payment and additional parking construction phases.

A motion was made by Mayor Pro Tem Foulds to approve an Agreement between the Hays County Livestock Board and the City of Dripping Springs for Parking at Dripping Springs Ranch Park, with changes as directed by Mayor Purcell. Council Member Crow seconded the motion which carried unanimously 5 to 0.

J. Discuss and consider approval of an Amendment to the Interlocal 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"), as an amendment to the Interlocal Agreement entered into on or around March 26, 2018 in connection with the development and construction of the Town Center Project in order to extend duration of Interlocal Agreement.

Sponsor: Council Member Kroll

Laura Mueller presented the staff report which is on file. The TIRZ No. 1 & No. 2 recommended approval of the amendment, which will allow more time for development, refinement and Stakeholder negotiations in relation to the Public/Private Partnership Development Advisory Services in order to achieve the ILA's objectives. All parties have determined it is in the best interest of the Town Center Project to extend the time period of the Interlocal Agreement.

Council Member Kroll explained that the current deadline is December 20, 2018, which does not allow enough time to complete all aspects of the project, and that the DSISD and Library are working on approving a separate agreement related to this project.

A motion was made by Council Member Kroll to approve an Amendment to the Interlocal 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"), as an amendment to the Interlocal Agreement entered into on or around March 26, 2018 in connection with the development and construction of the Town Center Project in order to extend duration of Interlocal Agreement. Council Member King seconded the motion which carried unanimously 5 to 0.

- K. Discuss and consider approval of a Dripping Springs Ranch Park Tractor Sponsorship Agreement between the City of Dripping Springs and ACM Tractors regarding the use of sponsored equipment for Dripping Springs Ranch Park Events.**
Sponsor: Mayor Purcell

Mayor Purcell presented the item. The City is agreeing to a one-year lease, with purchase option, for use of a tractor at the Dripping Springs Ranch Park.

A motion was made by Council Member Kroll to approve Dripping Springs Ranch Park Tractor Sponsorship Agreement between the City of Dripping Springs and ACM Tractors regarding the use of sponsored equipment for Dripping Springs Ranch Park Events. Council Member King seconded the motion which carried unanimously 5 to 0.

- L. Discuss and consider approval of an Appeal of the Planning and Zoning Commission's Denial of an Application for Certificate of Appropriateness for the Installation of a Water Tank and Signage Element for property located at 300 Mercer Street, Dripping Springs, TX. Applicant, Dripping Springs Outfitters d/b/a Springs Provisions**

1. Presentation

Applicant Representative Efren Garcia gave a presentation on the item which is on file. The applicant is requesting an appeal to the Planning & Zoning Commission denial of approval for an application for Certificate of Appropriateness for the installation of a water tank and signage. Upon denial by the Historic Preservation Commission, the applicant appealed to the Planning & Zoning Commission which was ultimately denied. Mr. Garcia argued that 1) consultant Keenan Smith laid out a path for approval, and 2) the P&Z denial upon no compelling reason to grant appeal according the Historic Preservation Commission's recommendation and in relation to integrity and visibility, in the applicant's opinion is not accurate. Mr. Garcia noted that there was not a full Historic Preservation Commission present, with 3 members absent, which may have changed the outcome. He also cited an article by Sharon Carter in the Dripping Springs Century News, regarding the Red & White Grocery Store, claiming that the building whose visibility may be restricted is not the original building and has been altered.

Mayor Purcell identified factual inaccuracies within the article as written by Sharon Carter, and that she is confusing the Red & White Grocery Store with the A.L. Davis Building. Mayor Purcell also confirmed that the applicant installed the water tank and was asked to remove it.

2. Staff Report

Keenan Smith presented the staff report which is on file. Staff provided the following recommendations for both the Historic Preservation Commission and the Planning & Zoning Commission:

1. Option to Deny: The proposed improvement is incompatible with surroundings, creates a false sense of history, and negatively affects the appearance and cohesiveness of the nearby historic resources (Stephenson & Academy Buildings) and the Mercer St. Historic District.
2. Option to Approve: The proposed improvement is modest in scale, and a retrovertable landscape feature, does not physically impact a historic resource, and is found to be generally compliant with applicable design and development standards. The plan is visually compatible with surrounding buildings and environment vis. Height, Gross Volume and Proportion.

3. Planning and Zoning Commission Report

Chair James: Commission denied appeal unanimously 6 to 0, citing the following reasons for denial:

1. The proposed location of the rainwater tank would obstruct the view of the Academy Building, which is a major contributing building within the Mercer Street Historic District;
2. The rainwater tank is not directly tied to the building within the historic district; and
3. Introducing a non-historical significant element into the historic district would adversely affect the historical integrity of the Mercer Street Historic District.

4. Public Hearing

No one spoke during the Public Hearing.

5. COA2018-0010: 300 Mercer Street

Council Member Manassian stated for the record that staff consultant Keenan Smith found that reasonable minds could agree on approval or denial, and that staff is not providing a recommendation for this item; and, that the Historic Preservation Commission denied the request for Certificate of Appropriateness; and, the Planning & Zoning Commission upon appeal by the applicant upheld the Historic Preservations Commission's denial. She also stated that the City Council did not hear from the applicant a reason to overturn the decisions of the Historic Preservation Commission or the Planning & Zoning Commission.

A motion was made by Council Member Crow to deny an Appeal of the Planning and Zoning Commission's Denial of an Application for Certificate of Appropriateness for the

Installation of a Water Tank and Signage Element for property located at 300 Mercer Street, Dripping Springs, TX. Mayor Pro Tem Foulds seconded the motion which carried unanimously 5 to 0.

M. Discuss and consider approval of a Sign Variance Request to Allow Additional Signs at 300 Mercer Street, Dripping Springs, TX. Applicant, Dripping Springs Outfitters

- 1. Presentation – no presentation given.*
- 2. Staff Report – no staff report presented.*
- 3. Planning and Zoning Commission Report – no report given.*
- 4. Public Hearing*

No one spoke during the Public Hearing.

5. Sign Variance Request

Laura Mueller will research the City's Code of Ordinances to see if there is still a path to approval for the installation of the tank.

A motion was made by Council Member Crow to deny a Sign Variance Request to Allow Additional Signs at 300 Mercer Street, Dripping Springs, TX. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

N. Discuss and Consider Approval of a Lease Agreement between the City of Dripping Springs and Employee regarding the Ranch Park House for a term of One Year.
Sponsor: Mayor Purcell

Laura Mueller presented the staff report which is on file. City Administration has received two staff requests for consideration to lease the home – both applicants request roommates. The agreement addresses use of the garage and restrictions regarding storage on the property.

A motion was made by Mayor Pro Tem Foulds to approve as to form a Lease Agreement between the City of Dripping Springs and Employee regarding the Ranch Park House for a term of One Year, and for staff to enter into negotiations with Dripping Springs Ranch Park Maintenance Worker Sheri Kapanka and the possibility of two leases – one for the employee and one for their designated roommate. Council Member Crow seconded the motion which carried 4 to 1, which Council Member Manassian opposed.

O. Discuss and consider approval of an Ordinance creating the City of Drippings Utility Commission.
Sponsor: Mayor Pro Tem Foulds

- 1. Public Hearing*

No one spoke during the Public Hearing.

A motion was made by Mayor Pro Tem Foulds to approve of an Ordinance creating the City of Drippings Utility Commission, with the condition that Section 2.04.285 Membership; meetings reflect that at least two of the seats appointed by City Council are residents of the Dripping Springs' City Limits. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

VIII. 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 upon request.

- A. Parks & Community Services Monthly Report**
- B. Dripping Springs Ranch Park Monthly Report**
- C. Economic Development Committee Monthly Report**
- D. Transportation Committee Monthly Report**

IX. 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 the Settlement Agreement between the City of Dripping Springs and Other Parties regarding Texas Pollutant Discharge Elimination System Permit No. WQ001448803; and the Creation of a Utility Commission**
Consultation with City Attorney, 551.071
- B. Deliberation regarding the potential purchase of all or a portion of real property related to the Transportation Plan.**
Purchase, Exchange, Lease or Value of Real Property, 551.072
- C. Consultation with City Attorney regarding legal issues related to election options for the City Council**
Consultation with City Attorney, 551.071
- D. Consultation with City Attorney regarding legal issues related to pay.**
Consultation with City Attorney, 551.071

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

A motion was made by Mayor Pro Tem Foulds to take action on Executive Session Agenda Item D. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

A motion was made by Council Member Manassian to approve longevity pay for City Employees per the Fiscal Year 2018-2019 City Budget. Council Member King seconded the motion which carried unanimously 5 to 0.

X. UPCOMING MEETINGS

- A. City Council & Board of Adjustment Regular Meetings:**
December 18, 2018 - 6:00 p.m. Regular Meeting
January 8, 2019 - 5:30 p.m. Workshop, 6:30 p.m. Regular Meeting
January 15, 2019 - 6:00 p.m. Regular Meeting
- B. December/January Board & Commission Meetings:**
December 17, 2018 - 6:30 p.m. Planning & Zoning Commission
December 20, 2018 - 10:00 a.m. Farmers Market Board
December 20, 2018 - 5:00 p.m. Emergency Management Commission
January 7, 2019 - 4:00 p.m. TIRZ No. 1 & No. 2 Board
January 7, 2019 - 6:00 p.m. Parks & Recreation Commission
January 9, 2019 - 4:00 p.m. Historic Preservation Commission
January 14, 2019 - 6:30 p.m. Founders Day Commission

XI. ADJOURN

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

This regular meeting adjourned at 7:36 p.m.

DATE APPROVED: January 8, 2019



Todd Purcell, Mayor

ATTEST:


Andrea Cunningham, City Secretary