

City Council & Board of Adjustment

Regular Meeting Minutes

February 20, 2018 at 6:00 p.m.

A Regular Meeting of the City Council of Dripping Springs, Texas was held Tuesday, February 20, 2018 at 6:00 p.m., in the Council Chambers located at City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

City Council Members present were:

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Travis Crow
Council Member Wade King (arrived at 6:07 p.m.)
Council Member John Kroll
Council Member Taline Manassian

City Staff/Appointed Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Treasurer Gina Gillis
Parks & Community Services Director Mariana Espinoza
City Planner Megan Will
Communications Coordinator Bonnie Gonzalez
Information Technology Coordinator Misty Dean
Assistant City Attorney Laura Mueller
Special Counsel David Tuckfield
Planning & Zoning Commission Chair Mim James
Planning & Zoning Commission Vice Chair James Martin

With a quorum of the City Council present, Mayor Purcell called the meeting to order at 6:07 p.m.

II. PLEDGE OF ALLEGIANCE

Cub Scout Pack 585 gave a presentation of the Color Guard and led the chambers in the Pledge of Allegiance to the Flag.

III. PRESENTATION OF CITIZENS

Floor open to discussion on any subject. No action may be taken by law. Citizens wishing to speak shall do so after being recognized by the Mayor. The Mayor and City Council may establish a time limit as necessary.

Steven Shannon with Waste Connections of Texas, Inc. (WC of Texas) spoke regarding the WC of Texas sponsored Community Cleanup to be held on April 7, 2018 at the Dripping Springs Ranch Park for City Residents. WC Staff and City Staff will be on hand to assist residents with questions. WC will be participating in the 2018 Founders Day Festival.

IV. PROCLAMATIONS

A. A Proclamation proclaiming the month of February 2018, as "Teen Dating Violence Awareness Month" in the City of Dripping Springs, Texas *Sponsor: Council Member Manassian*

Council Member Manassian read and presented the proclamation to representatives of the Hays-Caldwell Women's Center.

B. A Proclamation proclaiming February 22, 2018, as "President George Washington Day" in the City of Dripping Springs, Texas *Sponsor: Mayor Pro Tem Foulds*

Council Member Kroll read and presented the proclamation to Stu Hart, a representative of the Texas Sons of the American Revolution. Mr. Hart announced that Thursday, February 22, 2018 is President George Washington's Birthday.

A motion was made by Mayor Pro Tem Foulds to approve both proclamations. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

Upon request from Staff, the City Council pulled Item C from the Consent Agenda for further consideration and discussion.

C. Approval of a Construction Contract between the City of Dripping Springs and Oldcastle Materials Texas Inc., d/b/a Wheeler, regarding Old Fitzhugh Road/Wallace Street Project

A motion was made by Council Member Kroll to approve the Construction Contract between the City of Dripping Springs and Oldcastle Materials Texas Inc., d/b/a Wheeler, regarding the Old Fitzhugh Road/Wallace Street Project with the condition that the Dripping Springs Transportation Committee recommend approval of the Construction Contract. Council Member King seconded the motion which carried unanimously 5 to 0.

V. CONSENT ITEMS

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 Consent to Assignment of Reclaimed Water Agreement between the City of Dripping Springs and Maile's Development Company to Driftwood Austin, LLC Sponsor: Mayor Pro Tem Foulds

B. Approval of a Resolution of the City of Dripping Springs consenting to and approving Assignment of Wastewater Living Equivalent Units (LUE) Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2018-R09

C. Approval of a Construction Contract between the City of Dripping Springs and Oldcastle Materials Texas Inc., d/b/a Wheeler, regarding Old Fitzhugh Road/Wallace Street Project

This item was pulled from the Consent Agenda and acted upon separately.

D. Approval of a Resolution of the City of Dripping Springs, Texas authorizing the submittal of a Grant Application to the Office of the Governor for Grant Funds to purchase and install an electric generator for use by the City of Dripping Springs Emergency Management Program and to be located at Dripping Springs Ranch Park; and authorizing the City Administrator to execute documents in relation to the application and receipt of any awarded funds

Filed as Resolution No. 2018-R10

VI. BUSINESS

Consideration and Possible Action On:

A. City of Dripping Springs Financial Statements and Supplemental Schedules, and Independent Auditor's Report for the Fiscal Year Ended September 30, 2017, Donald L. Allman, CPA, PC, Auditor

Donald Allman presented highlights of the City of Dripping Springs Financial Statements and Supplemental Schedules, and Independent Auditor's Report for the Fiscal Year ended September 30, 2017. Mr. Allman's report is on file and available for review.

A motion was made by Mayor Pro Tem Foulds to accept the City of Dripping Springs Financial Statements and Supplemental Schedules, and Independent Auditor's Report for the Fiscal Year ended September 30,

2017. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

B. SD2017-0005 Site Development Permit Application for the Mark Black Wedding Venue located at 130 W. Concord Circle, Driftwood, TX (ETJ). Applicant, Andrew Evans, Kimley Horn and Associates.

This item was moved to the end of the Business Agenda.

C. The purchase of a Cannon TX3000 Plotter System and a stand-alone Service Agreement; and an expenditure for the installation of cabling for data connection

A motion was made by Council Member Kroll to approve the purchase and stand-alone Service Agreement. Council Member King seconded the motion which carried unanimously 5 to 0.

D. An Ordinance amending Chapter 16, Article 16.02, Division 2, of the Dripping Springs Code of Ordinances; enforcement provisions; special rules for Veteran's Memorial Park; and providing for the following: findings of fact; enactment; repealer; severability; codification; effective date; and proper notice and meeting

A motion was made by Council Member King to approve an Ordinance amending Chapter 16, Article 16.02, Division 2, of the Dripping Springs Code of Ordinances. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2018-04

E. A Resolution of the City of Dripping Springs, Texas, approving amendments to the Dripping Springs Farmers Market Rules

A motion was made by Mayor Pro Tem Foulds to approve the Resolution amending the Dripping Springs Farmers Market Rules. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No. 2018-R11

F. The extension of the terms for Emergency Management Commission Members Scott Collard, Ron Hood, Mike Jones, Robert Lamb, and Kay Allen to expire January 1, 2019; and the reappointment of Commission Members Bonnie Humphrey, Curt Marek, Gordon DeWitte, and Bill Little for terms expiring January 1, 2020

A motion was made by Council Member King to approve the extension of the terms for Emergency Management Commission Members Scott Collard, Ron Hood, Mike Jones, Robert Lamb, and Kay Allen to expire January 1, 2019; and the reappointment of Commission Members Bonnie Humphrey, Curt Marek, Gordon DeWitte, and Bill Little for terms expiring January 1, 2020. Mayor Pro Tem Foulds seconded the motion which carried unanimously 5 to 0.

G. Consideration of First Amendment to the Wastewater Service and Impact Fee Agreement (“First Amendment”) between the City of Dripping Springs, a Type A General Law City located in Hays County, Texas and SLF IV - Dripping Springs JV, L.P., a Texas limited partnership (Heritage PID) Sponsor: Mayor Pro Tem Foulds

Council Member Kroll recused himself from this item and stepped down from the dais.

Special Counsel David Tuckfield stated there are no substantive changes to the amended agreement, and that administrative changes could be made at the discretion of the City Council. Mr. Tuckfield recommends approval of this amendment so that administrative changes could be made, and he noted the date change.

Special Counsel Dottie Palumbo recommended that administrative changes not be allowed.

Ginger Faught recommended the change be approved, and that staff work with Special Counsel Dottie Palumbo on any changes prior to administrative approval.

A motion was made by Mayor Pro Tem Foulds to approve the First Amendment to the Wastewater Service and Impact Fee Agreement (“First Amendment”) between the City of Dripping Springs, a Type A General Law City located in Hays County, Texas and SLF IV - Dripping Springs JV, L.P., a Texas limited partnership (Heritage PID) with the condition that staff work with Special Counsel Dottie Palumbo on any changes prior to administrative approval. Council Member King seconded the motion which carried unanimously 4 to 0.

H. First Amendment to the Water and Wastewater Utility Agreement between the City of Dripping Springs and Paintbrush 290 GP LLC, regarding the Scenic Greens Development (AKA-- Westwood Public Improvement District Development)

A motion was made by Mayor Pro Tem Foulds to table the item. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

I. A Wastewater Utility Agreement between the City of Dripping Springs and St. Martin de Porres Catholic Church regarding property located at 26160 Ranch Road 12, Dripping Springs, Hays County, Texas

A motion was made to approve the Wastewater Utility Agreement between the City of Dripping Springs and St. Martin de Porres Catholic Church regarding property located at 26160 Ranch Road 12, Dripping Springs, Hays County, Texas with non-substantive staff revisions (typos). Council Member Kroll seconded the motion which carried unanimously 5 to 0.

J. A Wastewater Utility Agreement between the City of Dripping Springs and Flying Fish Swim Holdings, LLC, for property located at the corner of Sportsplex Drive and EMS Drive, and described as Sportsplex Subdivision No. 2, Lot 1

Without objection, Mayor Purcell recessed the meeting into Executive Session.

VII. 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 Proposed Settlement Agreement between the City of Dripping Springs, the City of Austin and other Parties regarding Texas Pollutant Discharge Elimination System Permit No. WQ001448803 (551.071 Consultation with City Attorney)

B. Consultation with City Attorney Regarding Allocation of Wastewater Capacities and Potential Alternatives and Options to Currently Planned Wastewater Discharge Permitting Plans, Including Potential Additional Area Needed to Meet Wastewater Service Needs (551.071 Consultation with City Attorney and 551.072 Purchase, Exchange, Lease, or Value of Real Property)

C. Deliberation regarding the potential purchase of all or a portion of real property related to the Transportation Plan. (551.072 Purchase, Exchange, Lease or Value of Real Property)

D. Consultation with City Attorney regarding an Agreement between the City of Dripping Springs and the Hays County Livestock Board *(551.071 Consultation with City Attorney)*

Mayor Purcell read the Executive Session Agenda. And announced the City Council would meet under items A – D; and move Business Items B and J into the Executive Session for discussion with City Attorney under section 551.071.

The City Council met in Executive Session from 6:41 p.m. – 7:19 p.m. Mayor Purcell returned the meeting to Open Session at 7:19, and the City Council took up Business Items B and J for consideration.

J. A Wastewater Utility Agreement between the City of Dripping Springs and Flying Fish Swim Holdings, LLC, for property located at the corner of Sportsplex Drive and EMS Drive, and described as Sportsplex Subdivision No. 2, Lot 1

A motion was made by Mayor Pro Tem Foulds approve the Wastewater Utility Agreement between the City of Dripping Springs and Flying Fish Swim Holdings, LLC, for property located at the corner of Sportsplex Drive and EMS Drive, and described as Sportsplex Subdivision No. 2, Lot 1 as presented with the condition that the staff and City Counsel insert a provision that allows a refund of the impact fees if the City requires Flying Fish to install an OSSF within 3 years of connection to the City's Wastewater System. Council Member Crow seconded the motion which carried unanimously 5 to 0.

B. SD2017-0005 Site Development Permit Application for the Mark Black Wedding Venue located at 130 W. Concord Circle, Driftwood, TX (ETJ). *Applicant, Andrew Evans, Kimley Horn and Associates.*

Mayor Pro Tem Foulds reviewed the City's policy on presentations.

1. Presentation

Kevin Olsen, Project Manager and Lead Designer, Andrew Evans, Project Engineer, and Jim Kerwood, Landscape Architect, gave presentation on the item.

2. Staff Report

Chad Gilpin presented the staff report which is on file. Site Development Plan is Complete. TCEQ approval is on file. Hays County ESD approval is on file. Staff has requested supplemental information

be on file. It is only backup information. Staff recommends approval contingent on receipt of additional information from the Applicant.

3. Planning and Zoning Commission Report

Chair James: The Commission recommended approval 5 to 1; members of the public spoke during the Public Hearing.

4. Public Hearing

Bob Logan, David Deming, Laurel Treviño, Jessica Scott, Cristian Granucci, Dr. Carlos Torres, Brian Dudley, Holly Fults, Johnathan Steinberg, Dr. Steven Klayman, Jeanine Christensen, and Mike Dunmire spoke in opposition to the item.

5. Site Development Permit

A motion was made by Mayor Pro Tem Foulds to postpone consideration of the item to the March 13, 2018 Regular City Council meeting with the following conditions: 1) The applicant has until February 27, 2018 to submit additional supplemental backup information, after which the City Engineer and Consulting Engineer, Tom Hegemeier will review, 2) Once the staff review is complete, City Engineer Chad Gilpin will forward the information to the Friendship Alliance, 3) All public comments regarding the Site Development Permit must be submitted no later than March 2, 2018, and 4) There will be no Public Hearing held for this item at the March 13, 2018 Regular City Council meeting. Council Member King seconded the motion which carried unanimously 5 to 0.

IX. ADJOURN

A motion was made by Mayor Pro Tem Foulds to adjourn the meeting. Council Member Kroll seconded the motion which carried unanimously.

This regular meeting adjourned at 9:23 p.m.

DATE APPROVED: April 10, 2018



Todd Purcell, Mayor

ATTEST:

Andrea Cunningham
Andrea Cunningham, City Secretary

