

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE CITY COUNCIL & BOARD OF ADJUSTMENT
Tuesday, October 17, 2017 at 6:00 p.m.**

A Regular Meeting of the City Council of the City of Dripping Springs, Texas, was held on Tuesday, October 17, 2017, at 6:00 p.m., in the Council Chambers located at City Hall, 511 Mercer Street, Dripping Springs, Texas.

City Council Members present were:

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Travis Crow (arrived at 6:36 p.m.)
Council Member Wade King
Council Member John Kroll
Council Member Taline Manassian

City Staff and Appointed Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
Communications Coordinator Bonnie Gonzalez
Assistant City Attorney Laura Mueller

With a quorum of the City Council present, Mayor Purcell called the meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE

Mayor Purcell led the Pledge of Allegiance.

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 the City Council may establish a time limit as necessary.

June Baumocl spoke regarding the Helping Hands Empty Bowl Project during Presentation of Citizens.

PROCLAMATIONS

Consideration and Possible Action:

A. Dripping Springs Helping Hands “Helping Hands Awareness Month”

Council Member Kroll read the Proclamation.

A motion was made by Council Member Kroll to approve the proclamation as read. Mayor Pro Tem Foulds seconded the motion, which carried unanimously 4 to 0.

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 City Treasurer's Report for September 2017**
- B. Resolution No. 2017-65: A Resolution Accepting Improvements, and Approving and Accepting a Maintenance Bond for Founder's Ridge Subdivision ("Founder's Ridge")**
- C. Approval of 2018 Hotel Occupancy Tax Grant Funding Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau**
- D. Approval of 2018 Hotel Occupancy Tax Grant Funding Agreement between the City of Dripping Springs and The Brent Thurman Foundation**
- E. Approval of 2018 Hotel Occupancy Tax Grant Funding Agreement between the City of Dripping Springs and the Friends of the Pound House Foundation**
- F. Approval of 2018 Hotel Occupancy Tax Grant Funding Agreement between the City of Dripping Springs and The Hill Country Alliance**
- G. Approval of 2018 Hotel Occupancy Tax Grant Funding Agreement between the City of Dripping Springs and Saxet Gun Show**
- H. Approval of the Extension of the Reclaimed Water Agreement between the City of Dripping Springs and Maile's Development Company**
- I. Approval of Employment of Mariana Espinoza for the City of Dripping Springs Parks and Community Services Director Position**
- J. Interlocal Agreement for use of SCPDC Software by and between the Capital Area Council of Governments, South Central Planning and Development Commission, and the City of Dripping Springs**

A motion was made by Mayor Pro Tem Foulds to approve the Consent Agenda as read. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

SIGNS

Consideration and Possible Action on:

- A. Ordinance No. 1251.30: An Ordinance amending Chapter 26, Appendix "C", of the Dripping Springs Code of Ordinances; Amending regulations for a Master Sign Plan for the Belterra Commercial Subdivision; providing for the following: rules; procedures; and findings of fact; codification; repealer; severability; proper notice and meeting; enforcement including criminal penalties including criminal fines not to exceed \$500.00 and civil fines up to \$500.00**

- 1. Staff Report – Michelle Fischer**

Michelle Fischer presented the staff report, which is on file. Staff recommends approval of the ordinance.

- 2. Planning & Zoning Commission Report – Mim James**

The Planning & Zoning Commission recommended approval 5 to 0.

- 3. Public Hearing**

No one spoke during the Public Hearing.

4. *Ordinance No. 1251.30*

A motion was made by Council Member Kroll to approve Ordinance No. 1251.30, with updated exhibits. Mayor Pro Tem Foulds seconded the motion, which carried unanimously 4 to 0.

BUSINESS

Consideration and Possible Action on:

A. Reconsideration of First Amendment to the Westwood Amended and Restated Development Agreement between the City of Dripping Springs and Scenic Land Holdings, LLC Entered into on or about March 1, 2017 to Dedicate Approximately 2 Acres out of the 17 Acre Civic Site Dedicated to the City to the Veterans of Foreign Wars Post 2933

A motion was made by Mayor Pro Tem Foulds to reconsider the action taken regarding this item at the October 10, 2017 Regular City Council meeting. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

1. *Presentation*

Kathryn Chandler spoke regarding the item and explained that the VFW had decided to change the location of the dedicated site. The new site would be more beneficial for the VFW, and offer them a better opportunity for development and construction.

2. *Staff Report – Laura Mueller*

Laura Mueller presented the staff report which is on file. Staff recommends approval of the amendment with Option A as the dedication site.

3. *Planning & Zoning Commission Report – Mim James*

The Planning & Zoning Commission did not review the amendment with Option A, however the location of the dedication was not a deciding factor for recommendation.

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *First Amendment to Amended & Restated Development Agreement*

A motion was made by Council Member Kroll to approve the amendment with Option A. Council Member King seconded the motion, which carried 4 to 0.

B. Ordinance No. 1310.40: An Ordinance Expanding the Extraterritorial Jurisdiction (ETJ) of the City of Dripping Springs, Hays County, Texas, so as to include said hereafter described property within the Extraterritorial Jurisdiction of the City of Dripping Springs: approximately 196.483 acres out of the B.F. Hannah League, Hays County, Texas, being all of that certain 196.68 tract or parcel of land conveyed to Carter DS Ranch, LLC by warranty deed recorded in Volume 3789, Page 790, Official Public Records of Hays County, Texas

1. *Public Hearing*

No one spoke during the Public Hearing.

2. *Ordinance No. 1310.40*

A motion was made by Mayor Pro Tem Foulds to approve Ordinance No. 1310.40. Council Member King seconded the motion, which carried unanimously 4 to 0.

A motion was made by Mayor Pro Tem Foulds to hear Business Item H out of order. Council Member King seconded the motion, which carried unanimously 4 to 0.

H. Resolution No. 2017-65: 2790 US Hwy 290 – Acceptance of Petition for Voluntary Annexation under Provisions of Chapter 43, of the Texas Local Government Code for Property Located within the City of Dripping Springs Extraterritorial Jurisdiction Commonly Known as 2790 US Hwy 290 and Described as: 3.188 Acres of Land out of the B.F. Hannah Survey in Hays County, Texas, Being that same property described in a deed to Artis W. Wilkerson and wife, Irene Wilkerson by deed of record in Volume 299, Page 326, deed records of Hays County, Texas

1. *Staff Report – Anjali Naini*

Anjali Naini presented the staff report which is on file. The petitioner still needs to submit metes and bounds for the portion of property that extends across US 290.

2. *Public Hearing*

No one spoke during the Public Hearing.

3. *Resolution No. 2017-65*

A motion was made by Council Member Kroll to approve Resolution No. 2017-65. Council Member King seconded the motion, which carried unanimously 4 to 0.

Council Member Kroll recused himself from the remainder of the regular agenda and left the Council Chambers due to a conflict of interest with the remaining items. Council Member Kroll has filed a Conflict of Interest Affidavit which is on file and available for inspection by request.

C. Annexation and Development Agreement between the City of Dripping Springs and SLF IV – Dripping Springs JV, L.P. and Bob White Investments, LP for Heritage Subdivision, approximately 189 acres located in the ETJ, generally bounded by Ranch Road 12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Walnut Springs Elementary School in the southwestern corner; Dripping Springs Youth Association Fields near the southwest perimeter; Dripping Springs High School along the western perimeter; and in close proximity to Springlake Drive at the norther perimeter

1. *Presentation – Ocie Vest, Senior Vice President at Stratford Land*

Ocie Vest reviewed the Annexation and Development Agreement and was available for any questions.

2. *Staff Report – Laura Mueller*

Laura Mueller presented the staff report which is on file. There have been no substantive changes to the agreement since the last meeting.

3. *Planning & Zoning Commission Report – Mim James*

The Planning & Zoning Commission recommended approval 5 to 0.

4. *Public hearing*

No one spoke during the Public Hearing.

5. *Offsite Road and Trail Agreement*
6. *Heritage Wastewater Utility Agreement*
7. *Annexation and Development Agreement – Heritage Subdivision*

A motion was made by Mayor Pro Tem Foulds to approve the Offsite Road and Trail Agreement, the Wastewater Utility Agreement, and the Annexation and Development Agreement. Council Member Manassian seconded the motion, which carried unanimously 3 to 0.

D. Ordinance No. 1803.91: an ordinance of the City of Dripping Springs, Texas to voluntarily annex under Chapter 212 of the Texas Local Government Code approximately 189 acres in the City's extraterritorial jurisdiction in Hays County, Texas commonly known as Heritage Subdivision, and described below:

- a. 34.247 acres in the Phillip Smith Survey, Abstract 415, Hays County, Texas being a portion of a 34.29 acre tract conveyed by John Marcus Baird by deed dated January 13, 1993 and recorded in Volume 971, Page 116 of the deed of records of Hays County, Texas.
- b. 50.206 acres in the Phillip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a tract called the East Part of 152.47 acres conveyed to John Marcus Baird by general warranty deed dated May 9, 1978 and recorded in Volume 310, Page 718 of the deed of records of Hays County, Texas, same being a portion of a 152.47 acre tract and recorded in Volume 154, Page 59 of the deed of records of Hays County, Texas.
- c. 94.695 acres (approx. 4,124,910 sq. ft.) in the Phillip Smith Survey, Abstract 415, Hays county Texas, being a portion of a 119.7 acre tract conveyed to Nelson M. Davidson and Doris Breed Davidson by deed dated June 23, 1952 and recorded in Volume 154, Page 290 of the deed of records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed of records of Hays County, Texas.
- d. 8.119 acres (approx. 353,664 sq. ft.) in the Phillip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 9.008 acre tract conveyed to Mikey Davidson Kroll, Nelson M. Davidson, Jr., and wife Barbara Watkins Davidson by warranty deed with vendors lien dated November 7, 2002 and recorded in Volume 2102, Page 453 of the official public records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed of records of Hays County, Texas.
- e. 1.676 acres (approx. 73,006 sq. ft.) in the Phillip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 119.7 acre tract conveyed to Nelson M. Davidson and Doris Breed Davidson by deed dated June 23, 1952 and recorded in Volume 154, Page 290 of the deed of records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed of records of Hays County, Texas.

1. Staff Report – Anjali Naini

Anjali Naini presented the staff report which is on file.

2. Public Hearing

No one spoke during the Public Hearing.

3. Ordinance No. 1803.91

A motion was made by Mayor Pro Tem Foulds to approve Ordinance No. 1803.91. Council Member Manassian seconded the motion, which carried 3 to 0 to 1, with Council Member Crow abstaining.

Council Member Crow arrived at the meeting at 6:36, and was present for a portion of the above item.

E. Ordinance No. 1220.124: Zoning request and ordinance enacting Planned Development District (PDD) #5, commonly known as “Heritage Subdivision.” The area is approximately 189 acres, generally bounded by Ranch Road 12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Walnut Springs Elementary School at the southwestern corner; Dripping Springs Youth Association Fields near the southwest perimeter; Dripping Springs high School along the western perimeter; and in close proximity to Springlake Drive at the northern perimeter

1. Staff Report – Anjali Naini

Anjali Naini presented the staff report, which is on file.

2. Planning & Zoning Commission Report – Mim James

The Planning & Zoning Commission recommended approval 5 to 0.

3. Public Hearing

No one spoke during the Public Hearing.

4. Ordinance No. 1220.124: Planned Development District (PDD) No. 5

A motion was made by Council Member King to approve Ordinance No. 1220.124. Council Member Crow seconded the motion, which carried unanimously 4 to 0.

F. Resolution No. 2017-67: Public Improvement District Financing Agreement (PFA) and Service and Assessment Plan for Heritage Subdivision

1. Staff Report – Laura Mueller

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

2. PID Financing Agreement

3. Service and Assessment Plan

4. Resolution No. 2017-67

A motion was made by Mayor Pro Tem Foulds to approve Resolution No. 2017-67 with attached PID Financing Agreement, and Service and Assessment Plan. Council Member King seconded the motion, which carried unanimously 4 to 0.

G. Amendment to extend time to negotiate a Waste Water Utility Agreement to the Roadways Development Agreement for the Kroll Remaining Property that was entered into by and between the City of Dripping Springs, Hays County, Texas, (the “City”), a general law municipality organized and operating under the general laws of the state of Texas, and became effective on November 18, 2016

1. Staff Report – Laura Mueller

Laura Mueller presented the staff report, which is on file. Staff recommends approval of an extension.

2. Amendment

A motion was made by Mayor Pro Tem Foulds to approve the Amendment. Council Member Crow seconded the motion, which carried unanimously 4 to 0.

REPORTS OF AGENCIES, COMMISSIONS AND STAFF

The following reports are on file in the City Secretary's Office and available for inspection upon request.

A. Farmers Market Monthly Report

B. Economic Development Monthly Report

Reports are available for inspection by request, in the City Secretary's Office.

Without objection from the City Council, Mayor Pro Tem recessed the meeting into Executive Session at 6:49 p.m.

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 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 subdivision and street requirements for property at Gateway 26 doors**
- B. 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**
- C. Deliberation regarding the potential purchase of all or a portion of real property related to the Transpiration Plan**
- D. 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**
- E. Consultation with City Attorney regarding legal issues related to annexation development, financing, and zoning of area commonly known as Heritage Subdivision**

The City Council met in Executive Session from 6:49 p.m. – 7:15 p.m. Mayor Pro Tem Foulds returned the meeting to Open Session at 7:15 p.m.

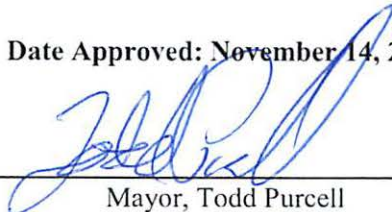
No action or vote was taken during Executive Session.

ADJOURN

A motion was made by Mayor Pro Tem Foulds to adjourn the meeting. Council Member King seconded the motion, which carried unanimously 4 to 0.

This regular meeting adjourned at 7:16 p.m.

Date Approved: November 14, 2017



Mayor, Todd Purcell

Attest:



City Secretary, Andrea Cunningham

