

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE CITY COUNCIL AND
BOARD OF ADJUSTMENT
Tuesday, September 12, 2017 at 5:30 p.m.**

A Regular Meeting of the City Council of the City of Dripping Springs, Texas, was held on Tuesday, September 12, 2017 at 5:30 p.m., in the Council Chambers located at City Hall, 511 Mercer Street, Dripping Springs, Texas.

City Council Members present were:

Mayor Pro Tem Bill Foulds
Council Member Wade King
Council Member John Kroll
Council Member Taline Manassian

City Council Member absent was:

Mayor Todd Purcell
Council Member Travis Crow (arrived at 7:26 p.m.)

City Staff and Appointed Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
City Treasurer Gina Gillis
City Planner Megan Will
Dripping Springs Ranch Park Manager Lynne Dickinson
IT Coordinator Misty Dean
Planning and Zoning Commission Chair Mim James
Economic Development Committee Chair Patrick Rose
Assistant City Attorney Laura Mueller
Special Counsel Dottie Palumbo
Consulting City Planner Anjali Naini
TIRZ Project Manager Keenen Smith

With a quorum of the City Council present, Mayor Pro Tem Foulds called the meeting to order at 5:34 p.m.

WORKSHOP

No action to be taken during workshop. Staff Reports regarding Consent, Site Developments, Subdivisions, Zoning, On Site Sewage Facilities, Signs, Variances, Waivers, Special Exceptions, Annexations, Alternate Standards, Business, and Other Agenda Items listed below.

A. Workshop on Proposed Fiscal Year 2018 City of Dripping Springs Budget and Ad Valorem Tax Rate

Laura Mueller reviewed the Budget Adoption and Ad Valorem Tax Rate Adoption timeline.

Gina Gillis discussed the three changes in the budget since the last workshop:

1. General Fund
2. Hotel Occupancy Tax Fund
3. Dripping Springs Ranch Park Fund

The City Council expressed the need to set the Ad Valorem Tax Rate at a rate that would allow the City the flexibility in the budget to meet the current needs of the City, as well as the needs that will result in growth.

No action was taken during the Workshop.

A Motion was made by Mayor Pro Tem Foulds to recess into Executive Session. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

The City Council recessed into Executive Session at 6:44 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 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 Attorney regarding legal issues related to employer furnished lodging to city employees or contractors. (551.071 Consultation with City Attorney)

The City Council met in Executive Session from 6:24 p.m. – 6:41 p.m.

No vote or action was taken during Executive Session.

Mayor Pro Tem Foulds opened the Regular Meeting at 6:46 p.m. Council Member Wade King led the Pledge of Allegiance.

PROCLAMATIONS

Consideration and Possible Action on

A. Proclamation of the City of Dripping Springs Declaring September 2017 as “Hunger in Action Month”

Council Member Kroll read the proclamation.

A motion was made by Council Member Kroll to approve the proclamation. Council Member King seconded the motion, which carried unanimously 4 to 0.

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.

No one spoke during Presentation of Citizens.

CONSENT ITEMS

The following items are anticipated to require little or no individualized discussion due to their nature begin 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 Meeting Minutes for the August 8, 2017 Regular Board of Adjustment & City Council Meeting; and the August 15, 2017 Regular City Council Meeting**
- B. Approval of City Treasurer's Report for August 2017**
- C. Approval of Request to Use a Portion of Founders Memorial Park for Pioneer Dar Parking on September 23, 2017**
- D. Approval of a Contract between the City of Dripping Springs and Hays County for Election Services for the 2018 Municipal Elections, and approval of a Joint Election Agreement between the City of Dripping Springs and Dripping Springs Independent School District**
- E. Approval of a Contract between the City of Dripping Springs and Hill County Wastewater Services Inc. for Maintenance of On Site Sewage Facility for Ranch House at Dripping Springs Ranch Park**
- F. Approval of Run By the Creek 5k and 10k 2017 Special Event Permit, Co-Sponsorship Agreement, and Application for Temporary Road Closure for a Portion of Roger Hanks Parkway and Lucy Loop on November 12, 2017**
- G. Approval of Hotel Occupancy Tax Funding Agreement for Fiscal Year 2017 between the City of Dripping Springs and the Pound House**
- H. Approval of Hotel Occupancy Tax Funding Agreement for Fiscal Year 2017 between the City of Dripping Springs and the Brent Thurman Foundation**
- I. Approval of Hotel Occupancy Tax Funding Agreement for Fiscal Year 2017 between the City of Dripping Springs and Saxet Gun Show**

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

A motion was made by Council Member Manassian to hear Business Items H and I out of order. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

H. Proposal for Staff and Contractor to Reside in Ranch House at Dripping Springs Ranch Park

Two Dripping Springs Ranch Park maintenance employees and a Dripping Springs Ranch Park volunteer have proposed residing in the Ranch House in exchange for services to include overnight security, on-call night duties for emergencies and late arrivals; upkeep of lawns and grounds at the park, welding services up to \$2000.00 and payment of utilities.

A motion was made by Mayor Pro Tem Foulds to authorize staff to move forward with drafting a contract for the Ranch House. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

I. Request from Dripping Springs 4-H Club to hold their monthly meeting at Dripping Springs Ranch Park free of charge

Lynne Dickinson presented the item. The Dripping Springs 4H Club requests a fee waiver for use of the special event room at Dripping Springs Ranch Park one Monday evening a month. In exchange for the waiver, the 4H Club commits to one service project a month at Dripping Springs Ranch Park.

Cassandra Twining spoke on behalf of the Dripping Springs 4H Club. The club will use the savings in rental space for special projects and supporting membership activities.

A motion was made by Council Member King to approve the fee waiver. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

VARIANCES/SPECIAL EXCEPTIONS

Consideration and Possible Action on:

A. A request for a variance from the Dripping Springs Code of Ordinances, Chapter 30, Sections 5.7.6 and 5.7.7 to allow reduction of required parking for a mixed-use structure containing place of worship and commercial/retail uses for H.O.M.E. Church, Located at 145 Broken Lance Lane, Dripping Springs, Tx 78620.

1. Presentation – Lynn Alderson, Lynn Alderson Group, Inc.

The applicant is requesting a variance for the reduction of parking spaces for H.O.M.E. Church, located at 145 Broken Lance Lane, from the required 73 spaces to 71 spaces.

2. *Staff Report – Megan Will*

There is a hardship in this case, and staff recommends approval of the variance with the following recommendations:

- a. The property owner acknowledges in writing the requirements of Section 5.7.5, and the understanding that the future expansion or reconfiguration of uses on the subject property may require approval of additional variances and/or shared parking arrangements.
- b. The hours of operation for the commercial/retail use and the times of regularly scheduled church activities, with the exception of regular church office staff hours, shall be mutually exclusive.

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

The Commission recommended approval with staff recommendations 5 to 0.

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *Variance to allow reduction of required parking for mixed use structure containing place of worship and retail spaces*

The City Council discussed Site Plan approval process, and that approval is done administratively and not by the City Council or the Planning and Zoning Commission. However, if there are issues with the submitted Site Plan, staff can choose to present the case to the City Council or the Planning and Zoning Commission. Concerns regarding overflow parking onto city and neighborhood streets were expressed. Council Member Kroll expressed concern regarding Ad Valorem taxation, and suggested that staff look into a possible Payment in Lieu of Taxes (PILOT) before approval of Site Plan.

A motion was made by Mayor Pro Tem Foulds to postpone the item to the Regular City Council Meeting on September 19, 2017. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

SUBDIVISIONS

Consideration and Possible Action on:

A. First Amendment to the Westwood Amended and Restated Development Agreement between the City 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 War Post 2933

1. Presentation – Kathryn Chandler

There are issues with current meeting space, and ownership of the new location would benefit the VFW with fundraising. The new location would allow for the opportunity to construct a Veterans Memorial. Ms. Chandler stated the VFW would move the current location of the Memorial at the Triangle, to the new location; the flag pole, however, will remain.

2. *Staff Report – Laura Mueller*

The City will amend the PID and dedicate a portion of the property to the VFW. The 2 acres is a mutually agreed upon parcel by the VFW and Scenic Land Holdings, LLC.

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

The Commission expressed concern regarding emergency access, and recommended approval 5 to 0.

4. *Public Hearing*

No one spoke during the Public Hearing.

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

A motion was made by Mayor Pro Tem Foulds to approve amendment with the following conditions: the deed states that if the VFW abandons the property for longer than one year the property reverts back to City; and, if it is determined that that this does not conflict with any requirements of the larger VFW Umbrella Organization. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

Rex Baker spoke to the motion.

Council Member Travis Crow is present to hear the following item, and the remainder of the posted agenda.

B. Burba Ranch Subdivision – Preliminary Plat for approximately 103.85 acres located at 16055 Sawyer Ranch Road, Dripping Springs, Tx 78620

1. *Presentation – John Clark, LJA Engineering, Inc.*

Clarified that the lot size would be 1 – 1 ½ acres, with two parks to be maintained by the Home Owner's Association. This project has received approval from Hays County.

2. *Staff Report – Megan Will*

The preliminary plat is consistent with the submitted concept plan, and lot size averages 1.17 acres. Parks and Recreation Commission recommended approval of the Parkland Dedication.

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

The Commission stated that residents expressed concerns regarding lighting and noise pollution. The Commission recommended approval 5 to 0.

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *Preliminary Plat*

Council Member Kroll expressed concerns regarding access and connectivity. John Clark reviewed the options for stub-outs, and explained that there were none and Highpoint is a gated-private community with no access. Mr. Clark would explore other options for a stub-out, and will comply with two 24-foot emergency access lanes.

A motion was made by Council Member King to approve the preliminary plat. Council Member Manassian seconded the motion, which carried 3 to 2 with Council Members Kroll and Crow opposed.

SIGNS

Consideration and Possible Action on:

A. Ordinance No. 1251.06: An Ordinance of the City of Dripping Springs Amending Chapter 26, Appendix “B”, of the Dripping Springs Code of Ordinances; Amending Regulations for the Master Sign Plan for The Commons; Providing for the Following: Rules; Standards; 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 \$100.00

1. *Presentation – Paul Hudson*

The location has low visibility and tenants are larger than anticipated. An additional panel would allow for better visibility from Highway 12, increasing business.

2. *Staff Report – Laura Mueller*

Staff recommends approval of the amendment as outlined in Option B of the staff report on file. This option does not increase the height of the sign.

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

The Commission recommended approval of the amendment 5 to 0.

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *Ordinance No. 1251.06*

A motion was made by Council Member King to approve the amendment with Option B. Council Member Kroll seconded the motion, which carried unanimously 5 to 0.

B. Ordinance No. 1251.07: An Ordinance of the City of Dripping Springs Amending Chapter 26, Appendix “D”, of the Dripping Springs Code of Ordinances; Amending Regulations for the Master Sign Plan for a Portion of the Sawyer Ranch Subdivision; Providing for the Following: Rules; Standards; 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 \$100.00

1. *Staff Report – Laura Mueller*

Staff recommends approval of amendment increasing the number of wall signs from six to seven, and clarified that tenants may change signs as long as the rules regarding size and color are followed.

2. *Planning and Zoning Commission Report - Mim James*

The Commission recommended approval of the amendment 5 to 0.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Ordinance No. 1251.07*

A motion was made by Council Member King to approve Ordinance No. 1251.07. Council Member Crow seconded the motion, which carried 4 to 1 with Mayor Pro Tem Foulds opposed.

C. Ordinance No. 1251.08: An Ordinance Enacting Appendix “E” of Chapter 26 of the Dripping Springs Code of Ordinances; Establishing Regulations for a Master Sign Plan for the Founders Ridge Subdivision; Providing for the Following: Rules; Standards; 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 \$100.00

1. Presentation – Austin Evans

Mr. Evans was available for questions on behalf of the applicant.

2. Staff Report – Laura Mueller

Founders Ridge requested the following non-permitted signs to be allowed in the Founders Ridge Master Sign Plan: temporary model home signs, temporary selling point signs, and permanent trail signs. Staff recommends approval of the amendment with the condition that the trail marking signs will not be removed, will be small in size and used solely to mark the trail.

3. Public Hearing

No one spoke during the Public Hearing.

4. Ordinance No. 1251.08

A motion was made by Council Member Kroll to approve Ordinance No. 1251.08 with staff recommendations. Council Member King seconded the motion, which carried unanimously 5 to 0.

ZONING

Consideration and Possible Action on:

A. Ordinance No. 1220.145: An Ordinance of the City of Dripping Springs rezoning a tract of land at 603 W. Hwy 290, Dripping Springs, Texas, totaling approximately 13.72 acres, form Commercial Services (CS) to Multiple-Family Residential (MF)

***Council Member Crow recused himself from this item and exited the Council Chambers. An Affidavit of Conflict is on file with the City Secretary, and a copy is attached to these minutes. ***

1. Presentation – Jon Thompson, JMZ Land Company, LLC; Teresa Shell, BETCO Housing Lab; and Paul Holden, Zimmerman Group

The proposed Western Springs Apartments will be a 72-unit complex, with 46 units being affordable housing, and the remaining 26 at market value. The developer is willing to give 80 more feet of set-back, for a total of a 140-foot vertical or structural setback. The development is receiving Low Income Housing Tax Credits from the Texas Department of Housing requiring a 30-year land use restriction.

2. Staff Report – Anjali Naini

The applicant is requesting a rezone from Commercial Services (CS) to Multiple-family Residential (MF) for property located at approximately 630 Hwy 290 West, Dripping Springs, TX. The request received 29.3% letter of protest of owners living within 200 feet, requiring a super majority vote. Staff recommends approval of the ordinance.

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

Neighboring property owners expressed concern regarding setbacks, and has since met with the applicant to address those concerns. The Commission recommended approval 6 to 0.

4. *Public Hearing*

Royce Rippy, Kim Fernea, Patrick Rose, Paul Hudson, and Patricia Wilder spoke in support of the project and the request to rezone. Jason McNutt also spoke in support of the project, but would like to see deed restrictions placed on the property.

5. *Ordinance No. 1220.145*

Mayor Pro Tem Foulds expressed concern regarding easements and access, and trees. Jon Thompson would consult with the developer regarding any existing easements, and emergency access plan. Teresa Shell stated some of the trees may require removal, but a majority will remain on the property; she does not believe there are any Heritage Trees planned for removal and review the survey. Council Member Kroll stressed the need for this type of development, and that it is an important project and good use of the property.

A motion was made by Council Member Kroll to approve Ordinance No. 1220.145. Council Member King seconded the motion, which carried unanimously 4 to 0.

Council Member Crow returned to the dais following the vote.

B. Ordinance No. 1220.144: An Ordinance of the City of Dripping Springs rezoning one tract of land totaling approximately 22.10 acres out of the EB Hargraves Survey, Abstract No. 240, in Hays County, Texas, from Agriculture District (AG) to Commercial Services District (CS)

1. *Presentation – John Walsh, TIG Real Estate Services, Inc.*

The applicant proposes a mixed-use commercial development for potential use as office space and neighborhood retail; the self-storage has been removed from the site plan. The applicant will work with residents to ensure that the property enhances the existing plant life.

2. *Staff Report – Anjali Naini*

The property is located in the Extra Territorial Jurisdiction, and staff recommends approval of the ordinance after the property is annexed into the city limits.

The City Council paused discussion on this item to hear and take action on Business Item J regarding the annexation. Upon approval of the annexation, City Council resumed discussion and possible action on this item.

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

Several residents spoke out against the rezone and are concerned about increased traffic, blocked views, lighting, noise, screening and buffering, and proximity to residential development. The applicant met with residents to address concerns. The Commission recommended approval of the ordinance 6 to 0.

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *Ordinance No. 1220.145*

A motion was made by Council Member Kroll to approve Ordinance No. 1220.145. Mayor Pro Tem Foulds seconded the motion, which carried unanimously 5 to 0.

BUSINESS

Consideration and Possible Action on:

- A. Ordinance No. 1803.90: An Ordinance of the City of Dripping Springs to voluntarily annex into the city limits a tract of land located in the City of Dripping Springs ETJ under provisions of Chapter 43 of the Texas Local Government Code, and described as follows: 22.10 acres of land out of the E.B. Hargraves Survey, Abstract No. 240, in Hays County, Texas, being apportion of the certain (2019.21 acre) tract of land conveyed to Norma Jean S. Cleveland and Thomas R. Sawyer by gift of deed of records in Volume 491, Page 335 of the Deed Records of Hays County, Texas**

1. *Staff Report – Anjali Naini*

Voluntary annexation of 22.10 acres proposed as a multi-use commercial development. Staff suggest approval of annexation allowing the City more control over the use of the property.

2. *Public Hearing*

No one spoke during the Public Hearing.

3. *Ordinance No. 1803.90*

A motion was made by Council Member Kroll to approve the ordinance with the attached service plan. Council Member King seconded the motion, which carried unanimously 5 to 0.

B. Second Public Hearing on the Proposed Fiscal Year 2017-2018 Ad Valorem Tax Rate of \$0.19 per \$100.00 Assessed Valuation of all taxable property within the corporate city limits

No one spoke during the Public Hearing.

Mayor Pro Tem Foulds announced that the City of Dripping Springs conducted Public Hearings on September 5, 2017, and September 12, 2017 on a proposal to increase the total tax revenues of the City of Dripping Springs. A vote on the Ad Valorem Tax Rate that will result in a tax increase, will be held at the Regular City Council meeting on September 19, 2017 at 6:00 p.m.

<City Council recessed for a break from 6:00 p.m. – 6:09 p.m.>

C. First Public Hearing regarding the proposed Fiscal Year 2017-2018 City of Dripping Springs Budget

No one spoke during the Public Hearing.

Mayor Pro Tem announced that the City proposes to use the increase in total tax revenue for the purpose of transportation improvements.

A motion was made by Mayor Pro Tem Foulds to place the adoption of the Fiscal Year 2017-2018 Budget on the Regular City Council meeting on September 19, 2017, at 6:00 p.m. Council Member Kroll seconded the item, which carried unanimously 5 to 0.

D. Fiscal Year 2017 Budget Amendment Request form the Historic Preservation Commission

Michelle Fischer stated that the request is for four trash receptacles to be placed in the Historical District.

A motion was made by Mayor Pro Tem Foulds to approve the budget amendment. Council Member King seconded the motion, which carried unanimously 5 to 0.

E. Interlocal Agreement (Memorandum of Understanding) between the City of Dripping Springs and, Dripping Springs Independent School District, Dripping Springs

Public Library District, and TIRZ Board Number One and TIRZ Board Number Two, Regarding Conceptual Planning and Funding of Town Center TIRZ Project

Laura Mueller presented the item. Preliminary review of the concept plan is to be completed within 30 days of receipt and final approval of the concept plan is due on December 31, 2017. Staff recommends approve of the MOU and to move forward with the Town Center Project.

Patrick Rose spoke in support of the project.

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

F. Approval of a Professional Services Agreement between the City of Dripping Springs and HDR Engineering, Inc. for Engineering and Surveying support services for TIRZ Projects

A motion was made by Council Member King to approve the agreement. Council Member Manassian seconded the motion, which carried unanimously 5 to 0.

G. Approval of a Professional Services Agreement between the City of Dripping Springs and McCann Adams Studio for Architect and Land Planning support services for TIRZ Projects

A motion was made by Mayor Pro Tem Foulds to approve the agreement. Council Member King seconded the motion, which carried unanimously 5 to 0.

J. Ordinance No. 1070.65: An Ordinance of the City of Dripping Springs, Texas, Amending the Code of Ordinances by amending Chapter 16, Public Ways and Streets; by amending Article 1603, and adding Sections to provide for definitions, municipal authorization, registration and fees; Provide for administration and enforcement; provide for construction obligations; permit required; provide for conditions of public right of way occupancy; provide for insurance requirements and indemnity; providing for improperly installed facilities; provide for restoration of property; provide for revocation or denial of permit; provide for appeal from denial of permit; provide for inspection; provide for abandoned facilities; provide that underground installation preferred; provide for courtesy and property performance; provide for signage; providing for graffiti abatement; providing for alternate means and method; waiver; provide for legal action; provide for design manual; provide for prohibited or restricted areas for wireless facilities for right of way; provide for preferred locations; provide for order of preference regarding attachment to existing facilities; provide for placement requirements; provide for concealment or camouflage required when possible; provide for installation and inspections; provide for requirements in regard to removal, replacement, maintenance, and repair; provide for requirements upon abandonment; provide for general updates; provide for administrative hearing – request for exemption;

providing for the following: finding of fact, enactment, repealer, severability, codification, effective date, and proper notice & meeting.

1. Staff Report – Laura Mueller

a. Senate Bill 1004 (Chapter 284 of the Texas Local Government Code)

Laura Mueller presented the item discussing small node cells and placement in the right-of-way as allowed in Chapter 284 of the Texas Local Government Code. Historic Districts and Park Districts will have provisions in the ordinance.

2. Ordinance No. 1070.65

A motion was made by Council Member Kroll to approve the ordinance. Council Member King seconded the motion. After some discussion, a motion was made by Council Member Kroll to rescind his previous motion. Mayor Pro Tem Fouls seconded the motion, which carried unanimously 5 to 0.

The City Council took action at this time, in order to hear item K which works in conjunction with Ordinance No. 1070.65.

K. Ordinance No. 1215.02: An Ordinance amending the City of Dripping Springs Fee Schedule to include the use of right-of-way for small cell infrastructure to comply with certain provisions of Chapter 284 of Local Government Code including levying application fees and public rights-of-way use rates; providing that this ordinance shall be cumulative; providing a savings clause; providing a severability clause; providing for penalty clause; and providing for publication and effective date

1. Ordinance No. 1215.02

A motion was made by Council Member Kroll to approve Ordinance No. 1070.65, and Ordinance No. 1215.02. Council Member Crow seconded the motion, which carried unanimously 5 to 0.

2. Annual Right-of-Way Use Registration Form

3. Right-of-Way Use Permit Application

A motion was made by Council Member Kroll to approve Ordinance No. 1070.65 and Ordinance No. 1215.02. Council Member Crow seconded the motion, which carried unanimously.

L. Appointments to the Economic Development Committee: Kim Fernea for a term expiring June 2019; Dave Edwards for a term expiring June 2019; and Patrick Rose for a term expiring June 2018

Patrick Rose presented the item. The Economic Development Committee voted unanimously to support the appointment of Kim Fernea to the Economic Development

Committee; and to switch the terms of members Patrick Rose and Dave Edwards, where Patrick will expire June 2018, and Dave will expire June 2019.

A motion was made by Council Member Kroll to approve the appointments. Council Member King seconded the motion, which carried unanimously 5 to 0.

REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Economic Development Committee Monthly Report**
- B. Dripping Springs Ranch Park Monthly Report**
- C. Transportation Committee Monthly Report**
- D. Farmer's Market Monthly Report**

Mayor Pro Tem Foulds announced that agency, commission and staff reports are available for inspection on Boardbook.

Without objection from the Council, Mayor Pro Tem Foulds recessed the meeting into Executive Session at 9:47 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 as authorized by Texas Government Code Sections 551.07 (Consultation with an 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 an Attorney)**
- B. 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)**
- C. Consultation with an City Attorney Regarding Allocation of Wastewater Capacities and Potential Alternatives and Options of 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)**
- D. Deliberation regarding Personnel Matters related to salaries, benefits, job descriptions and compensation of specific employees: City Administrator, Deputy City Administrator, City Secretary, Parks and Community Services Director, Public Works Director, Building Permit Coordinator, Utilities Coordinator, Receptionist, Communications Coordinator, Information Technology Coordinator, City Planner,**

Planning Assistant, Administrative Assistant, City Treasurer, Accounting Clerk, Maintenance Director, Dripping Springs Ranch Park Manager, Dripping Springs Ranch Park Maintenance Workers, Emergency Planning Coordinator, and Maintenance Workers 551.074 Personnel Matters)

- E. Consultation with City Attorney Regarding Legal Requirements and Procedures for the Potential Creation of Certain Special Districts to Finance Improvements Benefitting the Heritage Subdivision including a Wastewater Agreement (551.071 Consultation with City Attorney)

City Council met in Executive Session from 9:47 p.m. – 10:32 p.m.

No vote or action was taken in Executive Session.

ADJOURN

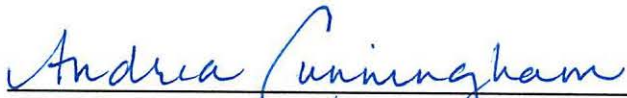
A motion was made by Council Member Kroll to adjourn the meeting. Council Member King seconded the motion, which carried unanimously.

This regular meeting adjourned at 10:33 p.m.

Date Approved: October 10, 2017


MAYOR PRO TEM BILL FOULDS

Attest:


CITY SECRETARY ANDREA CUNNINGHAM



CITY OF DRIPPING SPRINGS

AFFIDAVIT PROVIDING NOTICE OF POTENTIAL CONFLICT OF INTEREST.

THE STATE OF TEXAS

§

§

COUNTY OF HAYS

§

I, **COUNCIL MEMBER TRAVIS CROW**, a local public official, make this affidavit and hereby on oath state the following:

I have substantial interest in a business entity or real property that may receive special economic effect that is distinguishable from the effect on the public by an action contemplated by the City Council of the City of Dripping Springs.

The business entity or real property in which I have a substantial interest in is: **September 12th Regular City Council item regarding a rezone of 22.10 acres out of the EB Hargraves Survey, Abstract No. 240, in Hays County, Texas, from Agriculture District (AG) to Commercial Services (CS).**

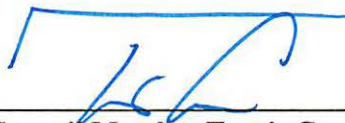
I or a person that is related to me within the first degree of consanguinity (blood) or affinity (marriage) as defined by state law has a substantial interest in this business entity or real property for the following reasons:

- _____ own 10% or more of the voting stock or shares of the business entity;
- _____ own 10% or more of the fair market value of the business entity;
- _____ own \$15,000 or more of the fair market value of the business entity;
- _____ receive from the business entity funds that exceed 10% of my/his/her gross income for the previous year
- _____ have/has an equitable or legal ownership of real property with a fair market value of \$2,500 or more.

Alternatively, even if I do not have a "substantial interest" as defined by Chapter 171 of the Texas Local Government Code, I am filing this affidavit so to avoid the appearance of impropriety. My interest may be described as follows: **I am in the notification zone of the property proposed to be rezoned.**

Upon filing of this affidavit with the official record keeper of the City of Dripping Springs, I affirm that I shall abstain from voting or further participating in any matter involving the business entity or real property, unless allowed by law.

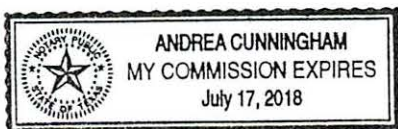
Signed this 12th day of **September 2017**.



Council Member Travis Crow

BEFORE ME, the undersigned authority, this day personally appeared **Council Member Travis Crow** and by oath stated the facts herein stated are true and correct.

SWORN TO A SUBSCRIBED BEFORE ME on this 12th day of **September 2017**.





Notary Public in and for the State of Texas
My commission expires: July 17, 2018