

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF REGULAR CITY COUNCIL MEETING
AND BOARD OF ADJUSTMENT MEETING
June 13, 2017 at 5:30 p.m.

A City Council Regular Meeting and Workshop and a Board of Adjustment Meeting of the City of Dripping Springs were held Tuesday, June 13, 2017, beginning at 5:30 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present: Mayor & City Council Members/Board of Adjustment

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

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Deputy City Secretary Debbie Loesch
Communications Coordinator Bonnie Gonzalez
City Attorney Alan Bojorquez
Assistant City Attorney Laura Mueller
Special Counsel Dottie Palumbo
Planning and Zoning Commission Chair Mim James
Code Enforcement Manager Kyle Dannhaus
Development Coordinator Lali Rambeau

With a quorum of the Council present, Mayor Purcell called the meeting to order at 5:30 p.m.

WORKSHOP. There was discussion with no action being taken on the agenda items listed below during the workshop.

- A. Planned Development District No. 5 for Heritage Subdivision.
 - 1. Presentation by Heritage Development Team
 - 2. Planned Development District No. 5 Presentation by Anjali Naini.
 - 3. Planning & Zoning Commission Report presented by Mim James, Chairman of the Commission.

- B. Annexation and Development Agreement for Heritage Subdivision.
 - 1. Annexation and Development Agreement presented by City Attorney's staff.
 - 2. Offsite Roadway and Trail Agreement.
 - 3. Wastewater Utility Agreement
 - 4. Public Improvement District (PID), Service and Assessment Plan, PID Finance Agreement.

EXECUTIVE SESSION. A motion was made by Mayor Pro Tem Foulds to recess the Open Meeting and convene into Executive Session. Council Member King seconded the motion. The motion carried unanimously. The Executive Session was convened at 6:15 p.m. in accordance with the authority contained in 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) to consult with the City Attorney on the following:

1. Consultation with City Attorney Regarding Legal Requirements and Procedures for the Potential Creation of Certain Special Districts to Finance Improvements Benefiting the Heritage Subdivision including a Wastewater Agreement (*551.071 Consultation with City Attorney*)
2. 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*).
3. 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*).
4. Consultation with Attorney regarding accounting procedures, records retention, and inquiry into execution by staff of proper accounting and records retention. (*551.071 Consultation with City Attorney*).
5. Deliberation of Real Property transaction and consultation with City Attorney regarding property located in Headwaters at Barton Creek. (*551.071 Consultation with Attorney; 551.072 Deliberation of Real Property*).
6. 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*).

The Executive Session adjourned at 6:45 p.m. The Open Meeting reconvened at 6:50 p.m.

Scout Troop 61, from Oak Hill and Dripping Springs, presented the colors with a Flag Ceremony and led the meeting attendees in the Pledge of Allegiance.

PRESENTATION OF CITIZENS. The meeting was opened for public comments. Hearing none, the public comment section was closed.

CONSENT ITEMS.

A motion was made by Mayor Pro Tem Foulds to approve Consent Items A-C. Council Member Kroll seconded the motion. The motion carried. Council Member Manassian abstained from the vote.

A motion was made by Mayor Pro Tem Foulds to approve Consent Items D-G. Council Member Kroll seconded the motion. The motion carried unanimously.

A motion was made by Mayor Pro Tem Foulds to approve Consent Item H. Council Member King seconded the motion. The motion carried unanimously.

- A. Approval of Regular Meeting Minutes for April 11, 2017.
- B. Approval of Regular Meeting Minutes for April 18, 2017.
- C. Approval of the Minutes of a Special Called Meeting for May 2, 2017.
- D. Approval of Appointment of Marilyn Miller as Municipal Court Judge for a term to expire June 2019.
- E. Approval of Resolution No. 2017-48: A Resolution of the City of Dripping Springs, Texas accepting improvements for Texas Heritage Village and approving and accepting maintenance bond for Texas Heritage Village, Effective Date; and Proper Notice and Meeting.
- F. Approval of Resolution No. 2017-49: A Resolution of the City of Dripping Springs, Texas Appointing Ginger Faught to Place 3 of the Driftwood Economic Development Municipal Management District's Board of Directors for a term expiring June 2021.
- G. Approval of Resolution No. 2017- 50: A Resolution of the City of Dripping Springs Approving the Amended and Restated Amendment No. 1 to the Agreement Concerning Creation and Operation of Springhollow Municipal Utility District.
- H. Approval of Proclamation of the City of Dripping Springs Proclaiming June 10, 2017 as Girl Scout Gold Award Day.

Council Member Manassian read the Proclamation recognizing and acknowledging Meghan French for her achievement in receiving the Girl Scouts Gold Award for her project working in the Clothing Donation Room at the Burke Center.

ZONING. *Consideration and possible action on:*

- A. Conditional Use Permit Application for a Mobile Food Vendor Court Located at 28911 RR 12, Dripping Springs, TX 78620, *Applicant: Jon Thompson on behalf of Neil Stokes.*

Presentation. There was no presentation given by the applicant. However, the applicant was in the audience and available if needed for any questions.

Staff Report was given by Lali Rambeau stating that the application for the conditional use permit for a mobile food court with 4 mobile food vendors. Staff recommends approval of the permit application contingent upon approval of the amended/revised site plan demonstrating that changes are minor and that there is no impact to downstream property owners with the addition of 4 mobile food vendors and restroom facility, recalculating the impervious cover for the site as well.

Planning & Zoning Report was presented by Mim James, Planning & Zoning Commission Chairman reporting that the Commission recommended approval of the permit.

Public Hearing. The public hearing was opened for comments. Hearing none, the public hearing was closed.

Conditional Use Permit.

A motion was made by Mayor Pro Tem Foulds to approve the conditional use permit as recommended by staff and consider the location of the dumpster, with surrounding wall, that it is not encroaching the building setback and public utility easement. Council Member King seconded the motion. The motion carried unanimously.

- B. Initiation of rezoning process by the City of Dripping Springs for A0289 George W. Lindsay Survey, Acres 25.7398, located in Dripping Springs Ranch Park at 1042 Event Center Drive, pursuant to Section 1.5.3 of the City of Dripping Springs Zoning Ordinance, Chapter 30, Exhibit A, from Agriculture Use (AG) to Public Park (PP).

Staff Report was presented by Lali Rambeau explaining that this property was automatically zoned for Agriculture (AG) when it was annexed into the City. The property is part of the Dripping Springs Ranch Park. The property should have been rezoned after the annexation was completed and rezoned to Public Park (PP). This property is the location for the install by Hays County Emergency Management to place a Remote Automated Weather Station on this site. Staff is requesting authorization from City Council to initiate the rezoning process.

Initiation of Rezoning Process, including directing City Staff to complete Zoning Request Application.

A motion was made by Mayor Pro Tem Foulds to authorize staff to initiate the rezoning process to rezone 25.7398 acres at Dripping Springs Ranch Park from Agriculture (AG) to Public Park (PP). Council Member Kroll seconded the motion. The motion carried unanimously.

DEVELOPMENT AGREEMENT. *Consideration and possible action on:*

- A. First Amendment to the Anthem at Ledge Stone (formerly known as Cypress Creek at Ledge Stone) Development Agreement between the City of Dripping Springs and Stuart Shaw Family Partnership, Ltd., for Anthem at Ledge Stone Apartments amending the Cypress Creek at Ledge Stone Development Agreement entered into about October 4, 2012 between the City of Dripping Springs and Stuart Shaw Family Partnership, Ltd. The affected area is approximately 16.821 acres of land out of the William S. Holton Survey No. 57, Abstract No. 245, in Hays County, Texas. *Stuart Shaw, Applicant.*

Presentation by Stuart Shaw, Applicant, was given.

Staff Report was given by Anjali Naini, Consulting City Planner. Under the original Development Agreement the project was intended to develop as affordable to moderate income apartment homes. However, the Owners have decided to develop market rate apartment homes. Therefore, the Owners have requested the First Amendment to make changes based on the different housing type they will provide.

Planning and Zoning Commission Report was given by Mim James, Planning and Zoning Commission Chairman, with the Commission recommending that Council approve the First Amendment to the Development Agreement. The Commission approved the recommendation by a 6-0 vote.

Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

1. Variance from Original Cypress Creek at Ledge Stone Development Agreement, Exhibit C: Cuts and Fills in Excess of Six Feet.

A motion was made by Council Member Crow to approve the variance request for changes in Exhibit C to allow for the cut/fill change due to site characteristics. Mayor Pro Tem Foulds seconded the motion. The motion carried.

Voting – 4 Ayes, 0 Nays, 1 Abstain. Council Member Kroll recused himself from participating in the deliberation of this matter due to conflict of interest.

2. Variance from the Original Cypress Creek at Ledge Stone Development Agreement, Exhibit C: Minimum Setbacks.

A motion was made by Council Member Crow to approve the variance request for changes in Exhibit C to allow for the change in minimum building setbacks to 10 feet front of building line and 5 feet side of building line. Council Member King seconded the motion. The motion carried.

Voting – 4 Ayes, 0 Nays, 1 Abstain. Council Member Kroll recused himself from participating in the deliberation of this matter due to conflict of interest.

3. First Amendment to the Anthem at Ledge Stone Development Agreement.

A motion was made by Mayor Pro Tem Foulds to approve the First Amendment to the Anthem at Ledge Stone Development Agreement. Council Member Crow seconded the motion. The motion carried.

Voting – 4 Ayes, 0 Nays, 1 Abstain. Council Member Kroll recused himself from participating in the deliberation of this matter due to conflict of interest.

SUBDIVISIONS. *Consideration and possible action on:*

- A. Replat of North Belterra Commercial, Final Plat of the Resubdivision of North Belterra Commercial Subdivision, Being a Replat of Lots 1-4 of North Belterra Commercial Subdivision, City of Dripping Springs ETJ, as recorded in Document Number 2016040879 of the Plat Records of Hays County, Texas. *Applicant: Bradley Lingvai P.E., Big Red Dog.*

Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

Replat.

A motion was made by Mayor Pro Tem to table this item until the next Council meeting. Council Member Manassian seconded the motion. The motion carried unanimously.

PARKS AND RECREATION. *Consideration and possible action on:*

- A. Discuss and consider agreement with Southwest Erectors LLC for installation of roof vents at Dripping Springs Ranch Park Event Center located at 1042 Event Center Drive, Dripping Springs, Texas 78620. Direct city staff to take appropriate action.

Staff Report was given by Michelle Fischer, City Administrator. The installation of the roof vents will help cool the center and the cost will be allocated from the budgeted contingency funds. Staff recommends approval.

Agreement with Southwest Erectors.

A motion was made by Council Member King to approve the agreement with Southwest Erectors to install roof vents at Dripping Springs Ranch Park Event Center in an amount not to exceed \$15,350, as provided in the bid estimate. Council Member Kroll seconded the motion. The motion carried unanimously.

- B. **Discuss and consider agreement with Driftwood Builders Roofing for repair of the Ranch House roof located at 1024 Event Center Drive, Dripping Springs, Texas 78620. Direct city staff to take appropriate action.**

Michelle Fischer, City Administrator, reported that the roof of the Ranch House was damaged by hail from recent storms.

A motion was made by Council Member Kroll to approve the construction contract with Driftwood Builders Roofing for repairs to the roof at Dripping Springs Ranch House at 1024 Event Center Drive. Council Member King seconded the motion. The motion carried unanimously.

- C. Discussion and possible action on Ordinance No. 1510.94: An Ordinance of the City of Dripping Springs Amending Chapter 16, Article 16.02, Division 2, of the Dripping Springs Code of Ordinances; Amending Park Rules to Allow for the Dissemination of Information in Parks; to Provide Clarification of Uses of Parks for Such Dissemination; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper Notice and Meeting.

Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

Ordinance No. 1510.94.

A motion was made by Mayor Pro Tem Foulds to table the item to the next Council meeting. Council Member Kroll seconded the motion. The motion carried unanimously.

BUSINESS. *Consideration and possible action on:*

- A. ***Public Hearing # 1*** for the purpose of receiving public comments on the proposed initiation of voluntary annexation proceedings under Chapter 43 of the Texas Local Government Code for the following area located in the City of Dripping Springs' ETJ: 22.10 acres of land out of the E.B. Hargraves Survey, Abstract No. 240, in Hays County, Texas, being a portion of the certain (2019.21 acre) tract of land conveyed to Norma Jean S. Cleveland and Thomas R. Sawyer by gift deed of records in Volume 491, Page 335 of the Deed Records of Hays County, Texas.

The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

There was a brief discussion with no action taken at this time.

- B. ***Public Hearing # 1*** for the purpose of receiving public comments on the proposed initiation of voluntary annexation proceedings under Chapter 43 of the Texas Local Government Code for an area totaling 13.937 acres located in the City of Dripping Springs' ETJ, described as follows:

Tract 1: Lot 1, The Preserve, Phase Three, Resubdivision of Lot 1-B of The Preserve, Phase One, a subdivision in Hays County, Texas, and including a portion of right-of-way across U.S. Hwy 290, according to the map or plat thereof recorded in Volume 2563, Page 67, of the Official Public Records of Hays County, Texas, and metes and bounds survey.

Tract 2: Lot 1A, The Preserve, Phase One, a subdivision in Hays County, Texas, and including a portion of right-of-way across Drifting Wind Run, according to the map or plat thereof recorded in Volume 10, Page 153, Plat Records of Hays County, Texas and metes and bounds survey.

The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

There was a brief discussion with no action taken at this time.

C. **Approval of request from Hays County Emergency Management to enter into an interlocal agreement to install a Remote Automated Weather Station at Dripping Springs Ranch Park.**

Michelle Fischer, City Administrator, reported that the Hays County Emergency Management Division contacted the City to request installing a Remote Automated Weather Station (RAWS) at Dripping Springs Ranch Park. The property that the equipment would be located on is part of the area to be rezoned from Agriculture (AG) to Public Park (PP). Access to the weather station would be through the Hays County website with data transmitted by satellite.

A motion was made by Council Member King to allow Hays County Emergency Management Division to install a remote automated weather state at Dripping Springs Ranch Park and begin negotiations to prepare an interlocal agreement with Hays County for Council's approval. Mayor Pro Tem Foulds seconded the motion. The motion carried unanimously.

D. **Professional Services Agreement between the City of Dripping Springs and Andrew Gauld/Scott Oldner Lighting (hereinafter referred to as "Contractor") for lighting plan review and consultation.**

A motion was made by Mayor Pro Tem Foulds to approve the Professional Services Agreement with Andrew Gauld/Scott Oldner Lighting as an outside consultant to review plans for lighting standards. Council Member Crow seconded the motion. The motion carried unanimously.

E. **Review and Approval of Fiscal Year 2018 Budget Planning Calendar.**

A motion was Council Member King to approve the budget planning calendar for fiscal year 2018 as prepared by staff. Council Member Kroll seconded the motion. The motion carried unanimously.

F. **Report and Recommendation on Wastewater and Water Operator Request for Proposals; Acceptance of Proposal and Authorization to Negotiate a Professional Services Agreement.**

A motion was made by Mayor Pro Tem Foulds to accept the proposal from Severn Trent Environmental Services, Inc. for wastewater and water operator and directs staff to negotiate a professional services agreement for Council's approval. Council Member Kroll

seconded the motion. The motion carried unanimously.

G. **Discussion and possible action to consider the appointment of members with terms expiring June 30, 2017 and filling vacancies to various boards, commissions, and committees.**

A motion was made by Mayor Pro Tem to approve the appointments as submitted (and listed below). Council Member Kroll seconded the motion. The motion carried unanimously.

1. **Economic Development Committee:** the reappointment of Melanie Fenelon, Keenan Smith and Whit Hanks with terms expiring June 30, 2019.
2. **Farmers Market Association Board:** the reappointment of Gouri Johannsen, Claudia Oney, and Teresa Strube, and the appointment of Lori Broughton to fill the vacant position, with terms expiring June 30, 2019.
3. **Founders Day Commission:** the reappointment of Stephanie Holtzendorf (DS Cook-Off Club), Jake Adams (at Large), Brian Daniel (At Large), Chris Nuccio (DS Lions Club), Paul Sanchez (St. Martin De Porres Catholic Church), and Brad Thomas (At Large) with terms expiring June 30, 2019.
4. **Historic Preservation Commission:** the reappointment of Melissa Starr Oehler, Doyle Fellers, and Emily Kopp with terms expiring June 30, 2019.
5. **Parks and Recreation Commission:** the reappointment of Robbie Zamora (City), David Douglas (City), and Ron Jones (DSISD) with terms expiring June 30, 2019.
6. **Planning and Zoning Commission:** the reappointment of Mim James (ETJ), Kim Hubbard (ETJ), Michael Lavengco (ETJ), and John McIntosh (City) with terms expiring June 30, 2019.
7. **Transportation Committee:** the reappointment of Doug Tyler with a term expiring June 30, 2019.

H. **Appointment of Council Members to Areas of Oversight, Commissions, Committees and Boards.**

1. Finance
2. Transportation Committee Member
3. Utilities and Public Health (Mayor Pro Tem Foulds)
4. Parks & Recreation Commissioner (Council Member Wade King)
5. Public Safety (Mayor Todd Purcell)
6. Beautification
7. Economic Development Committee Member (Council Member John Kroll)
8. TIRZ 1 & 2 Board Liaison
9. Other

A motion was made by Mayor Pro Tem Foulds to table the item to the June 20, 2017 Council meeting. Council Member Crow seconded the motion. The motion carried unanimously.

I. **Appointment of Council Member to vote in the Pedernales Electric Cooperative's 2017 Board of Directors Election by mail or internet or in person at the Annual Meeting on June 17, 2017 at 9:00 a.m.**

A motion was made by Council Member Kroll to appoint Mayor Purcell to cast a vote on behalf of the City. Council Member Crow seconded the motion. The motion carried unanimously.

J. **Discuss and consider demolition contract for demolition of the building located at 27500 Ranch Road 12, Dripping Springs, Texas 78620.**

A motion was made by Council Member Crow to table the item to the June 20, 2017 Council meeting. Council Member King seconded the motion. The motion carried unanimously.

K. ***Public Hearing # 2*** for the purpose of receiving public comments on the proposed initiation of voluntary annexation proceedings under Chapter 43 of the Texas Local Government Code for the following area located in the City of Dripping Springs' ETJ: 22.10 acres of land out of the E.B. Hargraves Survey, Abstract No. 240, in Hays County, Texas, being a portion of the certain (2019.21 acre) tract of land conveyed to Norma Jean S. Cleveland and Thomas R. Sawyer by gift deed of records in Volume 491, Page 335 of the Deed Records of Hays County, Texas.

The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

L. ***Public Hearing # 2*** for the purpose of receiving public comments on the proposed initiation of voluntary annexation proceedings under Chapter 43 of the Texas Local Government Code for an area totaling 13.937 acres located in the City of Dripping Springs' ETJ, described as follows:

Tract 1: Lot 1, The Preserve, Phase Three, Resubdivision of Lot 1-B of The Preserve, Phase One, a subdivision in Hays County, Texas, and including a portion of right-of-way across U.S. Hwy 290, according to the map or plat thereof recorded in Volume 2563, Page 67, of the Official Public Records of Hays County, Texas, and metes and bounds survey.
Tract 2: Lot 1A, The Preserve, Phase One, a subdivision in Hays County, Texas, and including a portion of right-of-way across Drifting Wind Run, according to the map or plat thereof recorded in Volume 10, Page 153, Plat Records of Hays County, Texas and metes and bounds survey.

The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

M. Discuss and provide direction to staff on Workshop items related to proposed Heritage Public Improvement District (PID).

1. Planned Development District Number Five
2. Annexation and Development Agreement
3. Offsite Road and Trail Agreement
4. Wastewater Utility Agreement
5. Public Improvement District

There was discussion regarding the extended time it has taken to complete this project. Council requested that City Staff work with the Developer to get this moving forward. There was no formal action taken on this matter.

N. Unimproved Property Contract between Eric N. Love, Karen Franta Love and the City of Dripping Springs for approximately 1.7 acres out of Lot 1, Block D of Hidden Springs Ranch (aka-- 160 Golden Eagle Lane, Dripping Springs, Texas).

A motion was made by Mayor Pro Tem Foulds to approve the contract to purchase the property at 160 Golden Eagle Lane. Council Member Kroll seconded the motion. The motion carried unanimously.

RECONVENE EXECUTIVE SESSION.

Mayor Pro Tem Foulds requested to recess the Open Meeting and reconvene into Executive Session to in accordance with authority contained in Section 551.071, and Section 551.072, to consult with City Attorney regarding:

- B. 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*).
- C. 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*).
- E. Deliberation of Real Property transaction and consultation with City Attorney regarding property located in Headwaters at Barton Creek. (*551.071 Consultation with Attorney; 551.072 Deliberation of Real Property*).
- F. 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*).

The Executive Session reconvened at 8:02 p.m. and adjourned at 8:40 p.m. and reconvened the Open Meeting.

ADJOURNMENT.

A motion was made by Mayor Pro Tem Foulds with a second by Council Member King to adjourn the Open Meeting. The motion carried unanimously. The meeting was adjourned at 8:43 p.m.



Respectfully submitted,

Deborah L. Loesch

Deborah L. Loesch
Deputy City Secretary

These minutes were approved on the 11th day of July, 2017.

Resolution Nos. 2017-48; 2017-49; and 2017-50 are on file in the office of the City Secretary and are made a part of these minutes by reference.