

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF REGULAR CITY COUNCIL MEETING
AND BOARD OF ADJUSTMENT MEETING
May 16, 2017 at 6:00 p.m.

The City Council Regular Meeting and Board of Adjustment meeting of the City of Dripping Springs was held Tuesday, May 16, 2017, beginning at 6:00 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 Santos Alba
Council Member Charles Busbey
Council Member Wade King
Council Member John Kroll
Council-Elect Travis Crow
Council-Elect Taline Manassian

City Staff/Appointed Officials

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Treasurer Gina Gillis
Communications Coordinator Bonnie Gonzalez
Development Coordinator Lali Rambeau
Code Enforcement Manager Kyle Dannhaus
Dripping Springs Ranch Park Manager Lynne Dickinson
Assistant City Attorney Laura Mueller
Special Counsel Dottie Palumbo
Planning & Zoning Commission Chair Mim James

With a quorum of the Council present, Mayor Purcell called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Council Member Busbey.

BUSINESS. *Consideration and possible action on:*

- A. Discussion and possible action to consider Ordinance No. 1630.37. An Ordinance of the City of Dripping Springs canvassing the returns and declaring the results of the General Election held on May 6, 2017 for the purpose of electing three (3) City Council Members.

A motion was made by Council Member Kroll to approve Ordinance No. 1630.37 declaring William Travis Crow, Bill Foulds, and Taline Manassian as newly elected Council Members from the May 6, 2017 General Election. The motion carried unanimously.

- B. Presentation of Certificates of Election and Administer Oaths of Office to newly elected officers.

Mayor Purcell presented the newly elected officers their Certificates of Election and Municipal Court Judge Marilyn Miller administered the Oaths of Office.

At this time, the newly elected Council Members took their seat at the Council dais and the Council recognized Charles Busbey and Santos Alba for their service.

- C. Discussion and possible action to elect a Mayor Pro Tem.

A motion was made by Council Member King to elect Bill Foulds as Mayor Pro Tem. Councilmember Kroll seconded the motion. The motion carried unanimously.

PRESENTATION OF CITIZENS.

- A. Recognition of Santos Alba and Charles Busbey for their Service to the City of Dripping Springs. Mayor Purcell presented each with a plaque in recognition of their service to the City and its citizens.

The meeting was opened for Public Comments. Comments were received from:

Marianne Simmons regarding the Tomato Roundup event coming soon. Judges and entry teams are needed.

Michael Awlick, a transportation planner, interested in working the City Council.

CONSENT AGENDA. A motion was made by Mayor Pro Tem Foulds to approve the Consent Agenda items A – D as presented. Council Member Kroll seconded the motion. The motion carried unanimously.

- A. Approval of Regular Meeting Minutes for May 9, 2017.
- B. Approval of Treasurer's Report for March 2017.
- C. Approval of Ordinance No. 1225.03: An Ordinance of the City of Dripping Springs Adopting the Official City Maps of Incorporated Municipal Boundaries (City Limits) and Extraterritorial Jurisdiction; Requesting that Copies of the Maps Be Filed in the Offices of the City Secretary and City Engineer; Providing for: Findings of Fact; Effective Date; Severability; Repealer; and Proper Notice and Meeting.
- D. Approval of assignment of solid waste franchise and amendment to solid waste franchise ordinance from Vaquero to Waste Connections.
 - 1. Ordinance No. 1750.04
 - 2. Assignment Agreement.

- E. Approval of Proclamation of the City of Dripping Springs Proclaiming the 21-27 of May 2017 as “Emergency Medical Services Week”.

Council Member King read the Proclamation out loud. A motion was made by Council Member King to approve the Proclamation as written proclaiming May 21-27, 2017 as “Emergency Medical Services Week”. Council Member Kroll seconded the motion. The motion carried unanimously.

BOARD OF ADJUSTMENT. *Consideration and possible action on:*

- A. Sign Variance Requests for Five Star ER, located at 333 East US 290 West, *Marysol Imler, Five Star ER, Applicant.*

Presentation. There was no formal presentation by the Applicant.

Sign Administrator’s Report. Michelle Fischer reported that the application is on file in the City’s records and recommended that the variance requests be granted with conditions to significantly reduce or remove the existing sign or agreeing to have no banners or special event signs in the future or mitigate the variance.

Planning and Zoning Commission Report. The Planning and Zoning Commission Chairman, Mim James, presented an overview of the application and the Commission recommended approval of the variance requests with the conditions as stated above.

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

1. **Variance request to exceed the total signable area.**
2. **Variance request to exceed the maximum number of signs allowed for a business in a multi-unit property.**
3. **Variance request to exceed maximum area allowed by a window sign.**

A motion was made by Council Member King to grant all variances in items 1-3 above to Title 2, Building and Development Regulations, Chapter 26, Signs, Article 26.03, to allow for the window sign under the condition that one of the following mitigation measures is required: (1) the removal or significant reduction in area of an existing sign; or (2) applicant agrees to not have any banners or special event signs in the future, as per staff’s recommendation. Mayor Pro Tem Foulds seconded the motion. The motion carried.

Voting Aye: 3 (King, Foulds, Manassian)
Voting Nay: 2 (Crow, Kroll)

ZONING. *Consideration and possible action on:*

- A. Ordinance 1220.139: An Ordinance of the City of Dripping Springs, Texas amending the restrictions of the conditional overlay governing certain real property in the city limits known as Lots 5 and 6 of Peabody Plaza (also known as Deep Eddy Vodka Distillery) including mobile food vendors as an allowed use; defining mobile food vendors; and providing for the following: findings of act; enactment; repealer; severability; codification; and an effective date. *Applicant: John Scarborough, Deep Eddy Vodka.*

Presentation. A brief presentation was given by the applicant.

Staff Report. Lali Rambeau presented the staff report.

Planning & Zoning Commission Report. The Planning and Zoning Commission Chairman, Mim James reported that the Commission reviewed the request at their March meeting and it was tabled with concerns expressed regarding music and landscape erosion. At their April meeting after these concerns were addressed by the applicant to the satisfaction of the Commission, they voted unanimously to recommend to Council adoption of the ordinance.

Public Hearing. The public hearing was opened for comments. Roger Mikeska expressed concerns regarding water storage tanks not shown on the approved plat being allowed and could contribute to erosion. Staff reported that the water tank had not been permitted and is supposed to be removed in July. Hearing no other comments, the public hearing was closed.

Ordinance No. 1220.139.

A motion was made by Mayor Pro Tem Foulds to approve the ordinance approving the conditional overlay as per Planning and Zoning's recommendations. Council Member Kroll seconded the motion. The motion carried unanimously.

- B. Conditional Use Permit Application for Deep Eddy Vodka Distillery to Allow for Mobile Food Vendors, Located at 2250 East Hwy. 290, *Applicant: John Scarborough, Deep Eddy Vodka.*

Staff Report. Lali Rambeau presented the staff report.

Planning & Zoning Commission Report. The Planning and Zoning Commission Chairman, Mim James, reported that the Commission has reviewed the request and approved unanimously to recommend approval of the Conditional Use Permit allowing for a Mobile Food Vendor.

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

Conditional Use Permit – Mobile Food Vendor.

A motion was made Council Member Kroll to approve the Conditional Use Permit subject to Planning and Zoning Commission's recommendation for removal of the water tanks, mitigate any erosion and improve landscaping. In addition, if the tanks are not removed to have the food trucks out and administer a fine. Councilmember King seconded the motion. The motion carried unanimously.

- C. Conditional Use Permit Application for Hudson's On Mercer to Allow for a Mobile Food Vendor, Located at 381 Mercer Street, *Applicant: Natasha and Chad Hudson, Hudson's on Mercer.*

Presentation was given by the applicant.

Staff Report was presented by Lali Rambeau. The Historic Preservation Commission approve and a Certificate of Appropriateness was issued. Staff recommends approval.

Planning & Zoning Commission Report. The Planning and Zoning Commission Chairman, Mim James reported the Commission had reviewed the application and recommends to Council to approve the Conditional Use Permit.

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

Conditional Use Permit – Mobile Food Vendor.

A motion was made by Council Member King to approve the Condition Use Permit as per staff's recommendation. Mayor Pro Tem Foulds seconded the motion. The motion carried unanimously.

- D. Conditional Use Permit Application for Le Muse to Allow for a Mobile Food Vendor, Located at 1007 W. Highway 290, *Applicant: Jon Thompson on behalf of Juan Chan, Le Muse.*

Presentation was given by the applicant, Jon Thompson. He indicated in his presentation that they are no longer asking for a drive through to be permitted, they are asking to be allowed one (1) mobile food vendor.

Staff Report was presented by Lali Rambeau reporting that the original plan was asking for 5 mobile food vendors be allowed. However, staff recommends approval for only one (1) food truck be allowed.

Planning & Zoning Commission Report. The Planning and Zoning Commission Chairman, Mim James reported the Commission had reviewed the application and recommends to Council to approve the Conditional Use 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 Council Member King to approve the Conditional Use Permit as recommended. Mayor Pro Tem Foulds seconded the motion. The motion carried unanimously.

SUBDIVISIONS. *Consideration and possible action on:*

- A. Replat of the Beulah Marie Needham Estate, Lot Part of 2, Acres 1.983, City of Dripping Springs, Hays County, Texas. *Applicant: Jon Thompson on behalf of Wade and Colie Hudson, Owners.*

Presentation was given by the applicant, Jon Thompson.

Staff Report was given by Lali Rambeau

Planning & Zoning Commission Report was given by Mim James, Planning and Zoning Commission Chairman reporting the Commission had reviewed the application for the replat and recommends to Council to approve the replat as submitted.

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

Variance from the Dripping Springs Code of Ordinances, Chapter 28, Exhibit A: Subdivision Ordinance, 14.6 requiring the minimum lot size for a residential lot in the City's ETJ that utilizes private septic and a private well to be a minimum of 2.0 acres.

A motion was made by Council Member King to grant a variance to Chapter 28, Exhibit A: Subdivision ordinance, 14.6 to allow a minimum lot size to be 0.017 acres less than the 2.0 acres requirement for a residential lot in the City's ETJ that utilizes private septic and private well to be a minimum of 2.0 acres. Council Member Kroll seconded the motion. The motion carried unanimously.

Variance from the Dripping Springs Code of Ordinances, Chapter 28, Exhibit A, Section 7.2.5 that states that no replat of all or a portion of a single-family residential subdivision without vacation may be approved for an existing subdivision if the replat would create a lot that is smaller than the smallest developable lot in the remainder of the subdivision.

A motion was made by Council Member King to grant the variance from Chapter 28, Exhibit A, Section 7.2.5 of the City of Dripping Springs Code of Ordinances to allow on the replat for the creation of a lot that is smaller than the smallest developable lot in the remainder of the subdivision. Council Member Kroll seconded the motion. The motion carried unanimously.

Variance from the City of Dripping Springs Code of Ordinances Chapter 28, Exhibit A, Section 7.6 stating that any replat which adds or deletes lots must include the original subdivision and lot boundaries.

A motion was made by Council Member Kroll to grant the variance from Chapter 28, Exhibit A, Section 7.6 of the City of Dripping Springs Code of Ordinances to allow on the replat for the removal of Lot 2 since the current owner of the larger portion of Lot 2 is not willing to participate in the replat. Council Member Crow seconded the motion. The motion carried unanimously.

Request for Waiver of 3rd Variance Application Fee for Beulah Marie Needham Replat.

A motion was made by Council Member King to grant the variance to allow for the waiver of the 3rd application fee due to the additional fees for actions not taken by the current owner. Council Member Crow seconded the motion. The motion carried unanimously.

Replat.

A motion was made by Council Member Kroll to approve the replat. Mayor Pro Tem Foulds seconded the motion. The motion carried unanimously.

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

- A. Dripping Springs Ranch Park Needed Repairs and Improvements. Discuss and take possible action.

There was discussion with staff reporting that the road and the low water crossing bridge at Dripping Springs Ranch Park was damaged in the folds from last year. Each subsequent rain has added to the damage. City Maintenance has made numerous patching repairs to the road and FEMA funds have been allocated for repairs in the patching. The road will need to be redone eventually. Funds are requested from the Transportation budget to be allocated for these repairs. The crossing bridge continues to deteriorate. FEMA funds are available to cover the costs of repair.

There was no action taken at this time.

- B. Resolution No. 2017-47: Amending the City-Wide Trail Plan to add Proposed Trails on EMS Drive and Youth Sports Association Road.

Staff Report. Michelle Fischer explained the proposed amendment.

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

Resolution No. 2017-47.

A motion was made by Council Member King to approve Resolution No. 2017-47 as written. Council Member Kroll seconded the motion. The motion carried unanimously.

- C. Resolution No. 2017-46: Authorizing Grant application for funding to the Texas Department of Transportation for the Dripping Springs Sportsplex Drive Gap Elimination and Connectivity Transportation Alternatives Set Aside Program Project and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation in the 2017 Transportation Alternatives Set Aside Program.

Staff Report was given by Michelle Fischer.

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

Resolution No. 2017-46.

A motion was made by Mayor Pro Tem Foulds to approve the Resolution No. 2017-46 as written. Council Member King seconded the motion. The motion carried unanimously.

BUSINESS. *Consideration and possible action on:*

- A. Proposed Extension and Alignment of Roger Hanks Parkway.

Presentation was given by Jim Martin with the Transportation Committee.

Public Hearing. The public hearing was opened for comments. Comments were received from:

Kathy Rienstra
Peter Durkin
Steve Junta
Stephanie Wornell
John Kroll (as a public citizen)
James Rienstra
Brian Storm
Kelly Tucker
Ruth Tanton

With no further comments forthcoming, the public hearing was closed.

Discussion and possible action on extension and alignment.

A motion was made by Mayor Pro Tem Foulds to approve option #1 with connection with Hidden Springs (Shane Lane/golden Eagle Lane) to include a crash gate and in 5 years to do TIA. Council Member Manassian seconded the motion. The motion carried

unanimously. *Council Member Kroll recused himself from the vote there being a conflict of interest.*

- B. Resolution 2017-45: A Resolution of the City of Dripping Springs, Texas, approving reimbursement to the City from Tax Increment Reinvestment Zones No. 1 and No. 2, including but not limited to, legal fees, consultant fees, other costs incurred by the City, including project management agreements, in anticipation of future TIRZ funds as approved by the City Council and submitted to the TIRZ Boards for reimbursement in accordance with the Final Project and Finance Plan.

Staff Report was presented by Laura Mueller, Assistant City Attorney.

Resolution No. 2017-45. A motion was made by Mayor Pro Tem Foulds to approve Resolution No. 2017-45 approving the reimbursement to the City from Tax Increment Reinvestment Zones No. 1 and No. 2. Council Member Kroll seconded the motion. The motion carried unanimously.

- C. Discussion and possible action regarding Scope of Services and Professional Services Agreement for TIRZ Project Manager, *Keenan Smith, City Lights Design Alliance.*

Staff Report was presented by Laura Mueller, Assistant City Attorney.

Professional Services Agreement. A motion was made by Council Member Kroll to approve the Scope of Services and Professional Services Agreement with City Lights Design Alliance for an amount not to exceed \$39,400. Mayor Pro Tem Foulds seconded the motion. The motion carried unanimously.

- D. Request from the City of Dripping Springs Emergency Management Commission for the City to Enter into an Interlocal Agreement with the Dripping Springs Independent School District for Access to and Use of District's Radio System to Establish a Reliable Communication System for City Operations.

A motion was made by Mayor Pro Tem Foulds to approve entering into an Interlocal Agreement with the Dripping Springs Independent School District for access to and use of the district's radio system to establish a communication system for City operations to assist with Emergency Management. Council Member King seconded the motion. The motion carried unanimously.

- E. Discuss and consider PID Administrator Services agreement with PIDWorks for Westwood Public Improvement District.

Staff Report was presented by Laura Mueller, Assistant City Attorney

PID Administrator Agreement. A motion was made by Mayor Pro Tem Foulds to approve the PID Administrator Services Agreement with PIDWorks for the Westwood Public Improvement District. Council Member Crow seconded the motion. The motion carried unanimously.

- F. Discuss and consider PID Administrator Services agreement with David Taussig for Heritage Public Improvement District.

Staff Report was presented by Laura Mueller, Assistant City Attorney.

PID Administrator Agreement. A motion was made by Council Member Crow to approve the PID Administrator Services Agreement with David Taussig & Associates for the Heritage Public Improvement District. Council Member Manassian seconded the motion. The motion carried.

Voting: Aye - 3 (Crow, King, Manassian)
Nay – 0
Abstain – 2 (Foulds, Kroll)

- G. Ordinance No. 1460.22: An Ordinance Of The City Of Dripping Springs, Texas, Zoning For Traffic And Rate Of Speed Therein, On US Highway 290 In The City Limits Of Dripping Springs Defining Speeding And Fixing A Penalty Therefore; Declaring What May Be A Sufficient Complaint In Prosecutions Hereunder; With A Saving Clause Repealing Conflicting Laws And Declaring An Emergency.

A motion was made by Council Member King to approve and adopt Ordinance No. 1460.22 setting a speed zone on portion of US Highway 290. Council Member Kroll seconded the motion. The motion carried unanimously.

- H. Ordinance No. 1725.01: An Ordinance of the City of Dripping Springs Establishing Retail Water Service Rules and Policies within the City of Dripping Springs and Providing for the following: findings of fact; enactment; repealer; severability; codification; effective date; and proper notice and meeting.

Staff Report was presented by Ginger Faught.

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

Ordinance No. 1725.01. A motion was made by Council Member King to approve and adopt Ordinance No. 1725.01 establishing retail water service rules and policies within the City of Dripping Springs. Mayor Pro Tem Foulds seconded the motion. The motion carried unanimously.

- I. Second Amendment to the Wholesale Water Supply Agreement between the Lower Colorado River Authority (now the West Travis County Public Utility Agency) and the City of Dripping Springs to set the Rates and Charges for Retail Water Service to the Blue Blazes Development.

Staff Report was presented by Ginger Faught.

Second Amendment to Wholesale Water Supply Agreement. A motion was made by Mayor Pro Tem Foulds to approve amending the Wholesale Water Supply Agreement with the West Travis County Public Utility Agency to set the rates and charges for retail water service to the Blue Blazes development. Council Member King seconded the motion. The motion carried unanimously.

- J. Agreement for Provision of Nonstandard Retail Water Service by and Between the City of Dripping Springs and DLC Driftwood 967, LLC for 300 LUEs.

Staff Report was presented by Ginger Faught.

Agreement for Provision of Nonstandard Retail Water Service. A motion was made by Mayor Pro Tem Foulds to approve the agreement. Council Member King seconded the motion. The motion carried unanimously.

- K. Resolution No. 2017- 48: A Resolution of the City of Dripping Springs, Texas ("City") accepting improvements for Texas Heritage Village and approving and accepting maintenance bond for Texas Heritage Village, Effective Date; and Proper Notice and Meeting.

Staff Report was presented by Ginger Faught.

Resolution No. 2017-48. A motion was made by Mayor Pro Tem Foulds to table the item to the June 13, 2017 meeting. Council Member King seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION.

The City Council for the City of Dripping Springs recessed the Open Meeting to convene into Executive Session at 8:49 p.m. in accordance with the authority 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). Specifically to consult with the City Attorney on the following:

- A. Consultation with Attorney for contracts related to PID Administrator Services. (551.071).
- B. 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).
- C. 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).
- 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 (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. Consultation with City Attorney regarding possible amendment to Westwood Development Agreement. (551.071 Consultation with Attorney; 551.072 Deliberation of Real Property).
- G. Consultation with City Attorney regarding Legal Options for Interlocal Agreement for Cooperation in Development Agreements and Other Assistance for Emergency Services Districts (551.071 Consultation with Attorney).

The Executive Session adjourned at 9:55 p.m. and reconvened the Open Meeting.

ADJOURNMENT

Mayor Pro Tem Foulds made a motion to adjourn the Open Meeting with a second by Council Member King. The motion carried unanimously. The Open Meeting adjourned at 9:56 p.m.

Respectfully submitted,



Deborah L. Loesch

Deborah L. Loesch
Deputy City Secretary

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

Ordinance Nos. 1630.37; 1225.03; 1750.04; 1220.139; 1460.22; 1725.01 and Resolution Nos. 2017-45; 2017-46; and 2017-47 are on file in the office of the City Secretary and are made a part of these minutes by reference.