

Minutes of City Council Regular Meeting

City of Dripping Springs

A City Council Regular Meeting of the City of Dripping Springs was held Tuesday, May 9, 2017, beginning at 5:30 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL - 5:30 p.m.

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

City Staff/Appointed Officials

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

Mayor Todd Pucell calls the meeting to order at 5:31 p.m. All present except Council Member John Kroll and City Attorney Alan Bojorquez.

II. 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.

Council discusses tabling of agenda items A and B under Zoning. On item D, Development Coordinator Lali Rambeau tells council that Jon Thompson is amending request to one. Under Parks and Recreation, Dripping Springs Ranch Park Manager Lynne Dickinson briefs council on the Bailey Kay Hutson Exceptional Rodeo. On item B under Parks and Rec. Mayor Pro Tem Bill Foulds asks Lynne about inquiring with Dent Busters. Under Business, item A, City Administrator Michelle Fischer tells council that comments have been uploaded.

Under Business, item D and E, council discusses TIRZ and reimbursement for administrative costs. Assistant City Attorney Laura Mueller explains that planning services or architecture could be reimbursed. Planning and Zoning Commission Chair Mim James points out that revenue collected from increase in tax values will happen over time. Under Business, item F, Mayor Pro Tem Bill Foulds says to wait until council meeting for presentation. Under Business, item G, City Administrator Michelle Fischer tells council this will be done at the next council meeting. Under Business, item H, City Administrator Michelle Fischer explains that six hand held radios are approved in the budget and we will use the same ones that the school district uses.

Mayor Pro Tem Bill Foulds makes a motion at 5:51 p.m. to recess until 6:30 p.m. Council Member Charlie Busbey seconds and workshop is adjourned.

III. 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).

- 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. Consultation with City Attorney regarding Personnel Matters related to the City Administrator and Deputy City Administrator. (551.071 Consultation with City Attorney; 551.074 Personnel Matters)
- F. 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)
- G. Consultation with City Attorney regarding possible amendment to Westwood Development Agreement. (551.071 Consultation with Attorney; 551.072 Deliberation of Real Property)

H. 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)

IV. RECESS

V. RECONVENE AT 6:30 p.m.

Mayor Todd Purcell calls the City Council meeting to order at 6:30 p.m.

VI. PLEDGE OF ALLEGIANCE

Charlie Busbey leads Pledge of Allegiance

Mayor Todd Purcell asks for 30 seconds of silence for Kevin Farrell, a member of the community who passed away.

Mayor makes a few announcements before moving into Presentation of Citizens. He explains the canvassing process and says the County is not releasing the ballots until later this week. Hopes ballots can be canvassed next Tuesday and new council members can be sworn in.

Explains that he has asked staff to identify all time sensitive issues and table all other items that are not time sensitive so that the new council can be brought up to speed on those items and the items will be back on the agenda on Tuesday. Mayor says there is one item we need to address tonight—item C under Business.

Mayor also asks council to under Executive Session, postpone A, B, E, F, G and H until the next council meeting. Mayor asks for a motion to table all the items he mentioned and says they will still have the public hearings for all of the items. Public hearings posted will be posted again at the next Tuesday meetings so there will essentially be two public hearings. Mayor explained council will not be taking action on tabled items until the new council members are seated.

Mayor Pro Tem Bill Foulds makes a motion to table all consent items, A, B, C and D. Under board of adjustment, table item A but keep public hearing. Under Zoning, table item A but keep public hearing, table item B, but keep public hearing, table item C, but keep public hearing, table item D but keep public hearing, under Subdivisions, table item A and all variances and other actions but keep public hearing, under Parks and Recreation, table item B. Under Business, table item A but keep public hearing, table item B, leave item C in, table items D and E. Item F stays in, table item G, table item H, table item I and table item J. Council Member Charlie Busbey seconds. All in favor, motion carries.

Mayor Pro Tem Bill Foulds makes a motion at 6:38 p.m. to go into Executive Session to discuss items C and D under Executive Session. Council Member Santos Alba seconds. All in favor, motion carries.

Council returns from Executive Session and reconvenes council meeting at 6:50 p.m.

VII. PRESENTATION OF CITIZENS

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

A. Presentation of It's Time Texas Community Challenge Award

Communications Coordinator Bonnie Gonzalez, Carrie Isaac and Mary Jane Hetrick brief council on the It's Time Texas Community Challenge Awards Ceremony that they attended at the Capitol. Dripping Springs won first place in its category. Isaac thanks Mayor and Mayor Pro Tem for their support.

B. Recognition of Former City Commission Members and their Service

Charlie Haydon and Rich Moore were recognized for their service as commissioners. Mayor Todd Purcell congratulates and thanks them. Plaques were given.

Citizens Communication:

Pam Owens: Thanks Council Members Santos Alba and Charlie Busbey for their hard work and service. The Council Members receive a standing ovation.

Marianne Simmons: Thanks Council Members Santos Alba and Charlie Busbey for their service. Notifies council that street lights are burned out on Roger Hanks Parkway.

Charlie Busbey: Asks that Santos makes the final adjournment.

VIII. 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 Regular Meeting Minutes for April 11, 2017

B. Approval of Regular Meeting Minutes for April 18, 2017

C. Approval of Treasurer's Report for March 2017

D. 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.

All consent items tabled.

IX. 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

1. Presentation
2. Sign Administrator's Report (Michelle Fischer)
3. Planning & Zoning Commission Report
4. Public Hearing
5. Variance Request to Exceed the Total Signable Area
6. Variance Request to Exceed the Maximum Number of Signs Allowed for a Business in a Multi-Unit Property
7. Variance Request to Exceed Maximum Area Allowed for a Window Sign

Item tabled. Public hearing held. No one spoke.

X. 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.

1. Presentation
2. Staff Report (Lali Rambeau)
3. Planning & Zoning Commission Report
4. Public Hearing
5. Ordinance No. 1220.139

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

1. Presentation

2. Staff Report (Lali Rambeau)
3. Planning & Zoning Commission Report
4. Public Hearing
5. Conditional Use Permit - Mobile Food Vendor

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

1. Presentation
2. Staff Report(Lali Rambeau)
3. Planning & Zoning Commission Report
4. Public Hearing
5. Conditional Use Permit - Mobile Food Vendor

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

1. Presentation
2. Staff Report(Lali Rambeau)
3. Planning & Zoning Commission Report
4. Public Hearing
5. Conditional Use Permit

Items A – D tabled. All public hearings posted for these items were held. No one spoke.

XI. 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.

1. Presentation
2. Staff Report (Lali Rambeau)
3. Planning & Zoning Commission Report
4. Public Hearing
5. 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.
6. 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.

7. 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.
8. Request for Waiver of 3rd Variance Application Fee for Beulah Marie Needham Replat
9. Replat

Item tabled. Pubic hearing held. No one spoke.

XII. PARKS AND RECREATION

Consideration and Possible Action On:

A. Approval of Request for Reduced Fees for the 3rd Annual Special Education Field Trip to Dripping Springs Ranch Park for the Bailey Kay Hutson Exceptional Rodeo on May 12, 2017

Mayor Pro Tem Bill Foulds makes a motion to approve. Council Member Santos Alba seconds. All in favor. Motion carries.

B. Dripping Springs Ranch Park Needed Repairs and Improvements. Discuss and Take Possible Action. (Sponsor: Councilman Busbey)

Item tabled.

XIII. BUSINESS

Consideration and Possible Action On:

A. Proposed Extension and Alignment of Roger Hanks Parkway (Sponsor: Councilman Busbey)

1. Presentation, Jim Martin, Transportation Committee
2. Public Hearing
3. Discussion and Possible Action on Extension and Alignment

Item tabled. Public hearing held. Three people spoke against the proposed extension. Stan Hopfe said he's a transportation engineer and voiced concerns about connectivity, street safety, speeding and crime and litter concerns. Peter Durkin said the fundamental issue is safety. Durkin urged council to drive through the neighborhood and have respect for the integrity of the neighborhood. James Reinstra said there will be traffic from 12 through Heritage and it's right next to the high school.

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

Item tabled.

- C. **Discuss and consider Professional Services Agreement for appraisal for Westwood Public Improvement District with Aegis Group.**

Council Member Santos Alba makes a motion to approve. Council Member Charles Busbey seconds. All in favor. Motion carries.

- D. **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. (Sponsor: Councilman Busbey)**

Item tabled.

- E. **Discussion and possible action regarding Scope of Services and Professional Services Agreement for TIRZ Project Manager, Keenan Smith, City Lights Design Alliance (Sponsor: Councilman Busbey)**

Item tabled.

- F. **Council to receive a presentation from Gandolf Burrus of Grant Development Services regarding the proposed grant application to TxDOT 2017 Transportation Alternatives Set-Aside Program for sidewalks, crosswalks and gap elimination on SportsPlex Drive. (Sponsor: Councilman King)**

City Administrator Michelle Fischer explains the grant and introduces Katerina Dittemore with Grant Development Services who further explains the reason for pursuing the grant (pedestrian safety on Sportsplex Drive) as well as the process. Fischer tells council letters of support are needed from businesses. Dittemore tells council that kids walk in the street on Sportsplex and that this will be a non motorized project. Dittemore said the application is due May 22. Fischer adds that the Transportation Committee and the Parks and Recreation Commission are supportive of the proposed project and grant inquiry.

- G. **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.**

Item tabled.

- H. **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. (Sponsor: Mayor Purcell)**

Item tabled.

I. Discussion and Possible Action on Employment Agreement for City Administrator Michelle Fischer.

Item tabled.

J. Discussion and Possible Action on Employment Agreement for Deputy City Administrator Ginger Faught.

Item tabled.

XIV. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

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

XV. ANNOUNCEMENTS

- A. **Second City Council Meeting, May 16, 2017 at 6:00 p.m.**
- B. Farmers Market Board Meeting, May 18, 2017 at 10:00 a.m.
- C. Emergency Management Commission Meeting, May 18, 2017 at 5:00 p.m.
- D. Transportation Committee Meeting, TBD May, 2017 at 3:30 p.m.
- E. Planning & Zoning Commission Meeting, May 23, 2017 at 6:30 p.m.
- F. Economic Development Committee, on Wednesday, May 24, 2017 at 4:00 p.m.
- G. TIRZ #1 and #2 Board , June 5, 2017 at 4:00 p.m.
- H. Founders Day Commission Meeting, June 12, 2017 at 6:30 p.m.

XVI. ADJOURN

Council Member Charlie Busbey makes the motion to adjourn. Mayor Pro Tem Bill Foulds seconds.

Council Member Santos Alba takes the gavel. Motion passes. Council adjourns at 7:22 p.m.