

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF REGULAR CITY COUNCIL MEETING
AND BOARD OF ADJUSTMENT MEETING
April 18, 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, April 18, 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

City Staff/Appointed Officials

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Deputy City Secretary Karen Hughes
Assistant City Attorney Laura Mueller
Planning and Zoning Commission Chair Mim James
Code Enforcement Manager Kyle Dannhaus
DS Ranch Park Manager Lynne Dickinson

With a quorum of the Council present, Mayor Purcell called the meeting to order at 6:02 p.m. It was noted that Council Member Alba arrived at 6:04 p.m. and Council Member Kroll left the meeting at 7:03 p.m. The pledge of allegiance was led by Council Member Busbey.

A motion was made by Council Member King to move the Executive Session on the agenda to the end of the agenda. Council Member Kroll seconded the motion. The motion carried unanimously.

PRESENTATION OF CITIZENS. The meeting was opened for public comments. There were no public comments received.

CONSENT ITEMS. A motion was made by Council Member Kroll with a second by Council Member King to approve and adopt consent agenda item A as follows. The motion carried unanimously.

A. Approval of the 2017 Founders Day Festival Participation Contracts:

1. 2017 Founders Day Entertainment Contract with Jim Halfpenny Band;
2. 2017 Founders Day Participation Agreement between the City of Dripping Springs and the Goodnight Society;

3. 2017 Founders Day Participation Agreement between the City of Dripping Springs and Hill Country Bible Church for Kids Inflatables;
4. 2017 Founders Day Entertainment Contract with Al Monte Band;
5. 2017 Founders Day Entertainment Contract with Carport Casanovas Band;
6. 2017 Founders Day Entertainment Contract with Departure ATX Band;
7. 2017 Founders Day Entertainment Contract with JP Productions;
8. 2017 Founders Day Entertainment Contract with Lonnie Atkinson Band;
9. 2017 Founders Day Church of the Springs Participation Agreement for Trash and General Clean-up;
10. 2017 Founders Day Entertainment Contract with Bobby Pounds Band;
11. 2017 Founders Day Entertainment Contract with Lisa Litman Band.

A motion was made by Councilmember Kroll with a second by Council Member King to move item B Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce for the Dripping Springs Job Fair from the Consent Agenda to the regular order of business to be dealt with in the regular order of business. The motion carried unanimously.

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

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

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 for special event signs to be mitigated by either significantly reducing or removing the existing sign or agreeing to have no banners or special event signs in the future.

Planning and Zoning Commission Report. The Planning and Zoning Commissioner Chairman, Mim James, presented an overview of the application and the Commission recommended approval the variance requests.

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 for a Window Sign.

A motion was made by Council Member King to grant variances as requested 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; (2) applicant agrees to not have any banners and special event signs in the future. Council Member Alba seconded the motion. The motion carried. Voting: 4 Ayes 1 Nay (Council Member Kroll).

PARKS. *Consideration and possible action on:*

- A. Approval of Contracts for Show managers, Show Secretaries and Show Judges for the Dripping Springs Ranch Park Riding Series and authorize Dripping Springs Ranch Park Manager to sign contracts. *(Sponsor: Council Member King)*

A motion was made by Council Member King to approve the contracts for Show managers, Show Secretaries and Show Judges for the Dripping Springs Ranch Park Riding Series and authorize Dripping Springs Ranch Park Manager to sign the contracts. Council Member Busbey seconded the motion. The motion carried unanimously.

- B. Approval of Resolution 2017-41, authorizing the Dripping Springs Ranch Park manager to approve certain contracts for the Dripping Springs Ranch Park Show. *(Sponsor: Council Member King)*

A motion was made by Council Member Kroll to approve Resolution No. 2017-41 to authorize the Dripping Springs Ranch Park Manager to approve certain contracts up to one thousand dollars (\$1,000) per contract, provided that the contract for that individual and the total contracts had been previously budgeted for the event. Council Member Alba seconded the motion. The motion carried unanimously.

- C. Approval of the Donation Agreement between the City of Dripping Springs and Cowboys For Christ for a Jackleg Fence for Oak Grove Preservation at Dripping Springs Ranch Park. *(Sponsor: Council Member King)*

A motion was made by Council Member King to approve the construction of a jackleg fence at Oak Grove Preservation at Dripping Springs Ranch Park to (1) protect the Live Oak trees when overflow parking in the area occurs during events and (2) accept the donation of the fence from the Cowboys for Christ. Council Member Kroll seconded the motion. The motion carried unanimously.

- D. Approval of a Request from Down's Syndrome of Central Texas for further reduction of their fees with the City of Dripping Springs listed as Sponsor of their Event, to be held at Dripping Springs Ranch Park July 31-August 4, 2017. *(Sponsor: Council Member King)*

A motion was made by Council Member Kroll to approve the request to reduce their fees to \$1,000 for this event and that the City would participate as a sponsor for the event. Council Member Busbey seconded the motion. The motion carried unanimously.

- E. Approval of Exploratory Skate Park Committee Report. Dennis Baldwin and Eric Henline, Chair of the Parks & Recreation Commission, gave a presentation for creating a Skate Park. The Committee received a proposal from a consultant for data collection and site analysis associated with the park site as well as finalize the Park Master Plan. They are considering a location at Founders Memorial Park. *(Sponsor: Council Member King)*
- F. Approval of Exploratory Skate Park Committee Recommendation for the City of Dripping Springs to allow skating amenities to be built in Founders Memorial Park and to authorize the negotiation of a Donation Agreement. *(Sponsor: Council Member King)*

A motion was made by Council Member King to allow for an exploratory skate park at Founders Memorial Park for a period of four (4) months and authorized the City Attorney to review the Donation Agreement for further negotiations. The motion carried unanimously.

BUSINESS. *Consideration and possible action on:*

- A. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce for Dripping Springs Area Job Fair on May 2, 2017 and in the Fall of 2017, date to be determined.

A motion was made by Council Member Kroll to approve the Co-Sponsorship Agreement. Council Member King seconded the motion. The motion carried unanimously.

- B. Resolution No. 2017-39, Heritage, The City of Dripping Springs, Texas proposes to institute proceedings to voluntarily annex approximately 189 acres in the City's extraterritorial jurisdiction in Hays County, Texas, commonly known as Heritage Subdivision, and described below:
 - 1. 34.247 acres in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 34.29 acre tract conveyed to John Marcus Baird by deed dated January 13, 1993 and recorded in Volume 971, Page 116 of the deed of records of Hays County, Texas.
 - 2. 50.206 acres in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a tract called the East Part of 152.47 acres conveyed to John Marcus Baird by general warranty deed dated May 9, 1978 and recorded in Volume 310, Page 718 of the deed of records of Hays County, Texas, same being a portion of a 152.47 acre tract conveyed to Edna Earl Baird by deed dated February 19, 1937 and recorded in Volume 154, Page 59 of the deed of records of Hays County, Texas.

3. 94.695 acres (approx. 4,124,910 sq. ft.) in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 119.7 acre tract conveyed to Nelson M. Davidson and Doris Breed Davidson by deed dated June 23, 1952 and recorded in Volume 154, Page 290 of the deed of records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed of records of Hays County, Texas.
4. 8.119 acres (approx. 353,664 sq. ft.) in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 9.008 acre tract conveyed to Mickey Davidson Kroll, Nelson M. Davidson, Jr., and wife Barbara Watkins Davidson by warranty deed with vendors lien dated November 7, 2002 and recorded in Volume 2102, Page 453 of the official public records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed of records of Hays County, Texas.
5. 1.676 acres (approx. 73,006 sq. ft.) in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 119.7 acre tract conveyed to Nelson M. Davidson and Doris Breed Davidson by deed dated June 23, 1952 and recorded in Volume 154, Page 290 of the deed of records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed records of Hays County, Texas.

A motion was made by Council Member Busbey to approve Resolution No. 2017-39 instituting proceedings for voluntary annexation of approximately 189 acres in the City's extraterritorial jurisdiction in Hays County, Texas, commonly known as Heritage Subdivision as described above. Council member King seconded the motion. The motion carried unanimously.

The first reading of the proposed Annexation Ordinance for these tracts was recited and discussed with no action being taken at this time.

- C. Resolution No. 2017-42, A Resolution of the City of Dripping Springs Accepting Petition for Voluntary Annexation and Setting Dates, Times, and Place for Public Hearings on the Proposed Annexation of 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 (2039.21 Acre) Tract of Land Conveyed to Norma Jean S. Cleveland and Thomas R. Sawyer by Gift Deed of Records in Vol. 491, Page 335 of the Deed Records of Hays County, Texas.

A motion was made by Council Member Kroll to approve Resolution No. 2017-42 accepting the petition for the voluntary annexation of 22.10 acres of land out of the E. B. Hargraves Survey, Abstract No. 240, as described above, and calling for 2 public hearings to be held on June 13, 2017 at 6:30 p.m. and 6:35 p.m., respectively. Council Member Busbey seconded the motion. The motion carried unanimously.

- D. Resolution No. 2017-43, A Resolution of the City of Dripping Springs Accepting Petition for Voluntary Annexation and Setting Dates, Times, and Place for Public Hearings on the Proposed Annexation of 13.937 Acres, Lot 1, The Preserve, Phase Three, Including a Portion of Right-of-Way Across U.S. Hwy 290, and Lot 1A, The Preserve, Phase One, Including a Portion of Right-of-Way Across Drifting Wind Run.

A motion was made by Council Member Kroll to approve Resolution No. 2017-42 accepting the petition for the voluntary annexation of 13.937 acres, Lot 1, The Preserve, Phase Three, including a portion of right-of-way across U.S. Highway 290 and Lot 1A, The Preserve, Phase One, including a portion of right-of-way across drifting Wind run, as described above, and calling for 2 public hearings to be held on June 13, 2017 at 6:30 p.m. and 6:35 p.m., respectively. Council Member Alba 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 7:07 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:

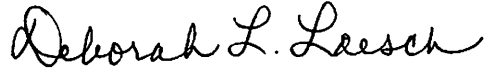
- A. Regarding the Proposed Settlement Agreement between the City of Dripping Springs, the City of Austin and other Parties regarding Texas Pollutant Discharge Elimination System Permit No. WQ001448803 (*in accordance with Sec. 551.071 Consultation with City Attorney*).
- B. Regarding Allocation of Wastewater Capacities and Potential Alternatives and Options to Currently Planned Wastewater Discharge Permitting Plans, Including Potential Additional Area Needed to Meet Wastewater Service Needs (*in accordance with Sec. 551.071 Consultation with City Attorney and Sec. 551.072 Purchase, Exchange, Lease or Value of Real Property*).

The Executive Session adjourned at 7:22 p.m. and the Open Meeting was reconvened.

ADJOURNMENT

Council Member Alba made a motion to adjourn the open meeting with a second by Council Member King. The motion carried unanimously. The Open Meeting adjourned at 7:38 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Deborah L. Loesch". The signature is written in a cursive style with a large, stylized 'D' and 'L'.

Deborah L. Loesch
Deputy City Secretary

These minutes were approved on the 13th day of June, 2017.

Resolution Nos. 2017-39, 2017-41, 2017-42, 2017-43 are on file in the office of the City Secretary and are made a part of these minutes by reference.