

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF REGULAR CITY COUNCIL MEETING
AND BOARD OF ADJUSTMENT MEETING
April 11, 2017 at 5:30 p.m.

The City Council Regular Meeting and Board of Adjustment Meeting of the City of Dripping Springs was held Tuesday, April 11, 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 – (Absent)
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
City Secretary Angelica Reyes
Assistant City Attorney Laura Mueller
City Treasurer Gina Gillis
Planning and Zoning Commission Chair Mim James
Code Enforcement Manager Kyle Dannhaus
Development Coordinator Lali Rambeau

With a quorum of the Council present, Mayor Pro Tem Bill Foulds called the meeting to order at 5:36 p.m. It was noted that Mayor Todd Purcell was not in attendance and Council Member John Kroll arrived at 5:48 p.m. The pledge of allegiance was led by Council Member Charles Busbey.

WORKSHOP. A workshop was held beginning at 5:38 p.m., with there being discussion with no action being taken during the workshop. Staff Reports were presented regarding the following: Consent Agenda, Site Developments, Subdivisions, Zoning, On Site Sewage Facilities, Signs, Variances, Waivers, Special Exceptions, Annexations, Alternate Standards, Business, and any other agenda items listed below.

EXECUTIVE SESSION. The City Council for the City of Dripping Springs recessed the Open Meeting to convene into executive session at 5:48 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)*
- C. Regarding the discussion of duties and employment of Interim City Secretary. *(in accordance with Sec. 551.071 Consultation with City Attorney and 551.074 Deliberation Regarding Personnel Matters).*

The Executive Session adjourned at 6:41 p.m. and the Open Meeting reconvened at 6:41 p.m.

PRESENTATION OF CITIZENS. The meeting was opened for public comments. Public comments were received from:

Steve Shannon with Waste Vendor Waste Connections spoke to City Council and citizens regarding the proposed solid waste franchise transfer from Vaquero to Waste Connections.

Bryan Court and John Pasheco commented on the helicopter use proposed legislation.

CONSENT ITEMS. A motion was made by Council Member Kroll with a second by Council Member Busbey to approve and adopt consent agenda items A – F as follows. The motion carried. Voting: 4 Ayes to 0 Nay, 1 Abstaining (Mayor Pro Tem Bill Foulds).

- A. Approval of Treasurer's Report for February 2017.
- B. Approval of Regular meeting Minutes for March 21, 2017.
- C. Approval of Regular Meeting Minutes for March 28, 2017.
- D. Approval of Appointment of Paul Fushille to serve as Parks and Recreation Commissioner (DSISD), term to expire on June 30, 2018.
- E. Approval of 2017 Founders Day Festival Participation Contracts.
- F. Approval of Co-Sponsorship Application and Agreement between the City of Dripping Springs and Project Graduation for the Kendra Scott Spring Jewelry Trunk Show on April 25, 2017. *(Shawna Fowler, Applicant; Sponsor: Mayor Pro Tem Foulds)*

ZONING. *Consideration and possible action on:*

- A. Amendment to Conditional Use Permit Application for Pig Pen BBQ modifying hours and days of operation for the Mobile Food Vendor Court and Associated Improvements, and a request for waiver of fees for Conditional Use Permit modifications, located at 1005 W. Hwy 290. *(Applicant: Jon Thompson)*

Staff Report. Lali Rambeau presented the staff report with a recommendation for approval of the Conditional Use Permit (CUP) and allowing for a reduction in fees instead of a waiver. A complete copy of the staff report is on file in the City's records.

Planning and Zoning Commission Report. The Planning and Zoning Commissioner Chairman, Mim James, presented an overview of the application and stating that the Commission has approved the amended application.

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

A motion was made by Council Member Alba to approve the amended CUP application to allow for a mobile food vendor court and associated improvements and allow for a reduction in fees instead of the request for a waiver as per staff's recommendation. Council Member John Kroll seconded the motion. The motion carried unanimously.

- B. Conditional Use Permit Application for Blushing Belle Beauty Bar to Allow Facial Semi-Permanent make-up services (tattooing), Located at 14101 Hwy 290 West Bldg. 400B. (*Applicant: Mandi Windburn, Blushing Belle Beauty Bar.*)

Staff Report. Applicant Mandi Windburn gave a presentation and overview of the application. Lali Rambeau presented the staff report and recommendation. A complete copy of the staff report is on file in the City's records.

Planning and Zoning Commission Report. The Planning and Zoning Commission Chairman, Mim James, presented an overview of the application and the Commission's approval.

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

A motion was made by Council Member Busbey to approve the Conditional Use Permit as per staff's recommendation. Council Member King seconded the motion. The motion carried unanimously.

- C. Ordinance No. 1220.140: An Ordinance of the City of Dripping Springs amending Chapter 30 to create Article 30.06; amending Exhibit A, Appendix E: Zoning Use Regulations (Charts) Amending Permitted Use Provisions for Districts Zoned as Industrial, Governmental, Institutional, and Utility Districts related to uses including Helicopters and Heliports; and providing for the following: findings of fact; enactment; repealer; severability; codification; effective date; and proper notice & meeting.

Staff Report. Laura Mueller, Assistant City Attorney and Anjali Naini, Planner, presented an overview of the amendments to the Zoning Regulations of Chapter 30 to provide for uses to include helicopters and heliports. Staff recommends approval of this zoning amendment and adoption of the ordinance.

Planning and Zoning Commission Report. The Planning and Zoning Commissioner Chairman Mim James reported on the Commission's review of the ordinance and the Commission's approval.

Public Hearing. The public hearing was opened for comments. Comments were received from Bryan Court and John Pasheco. With no further comments forthcoming, the public hearing was closed.

A motion was made by Council Member Busbey to approve and adopt Ordinance No. 1220.140 as presented. Council Member Alba seconded the motion. The motion carried. Voting: 4 Ayes to 1 Nay (Council Member King).

- D. Ordinance No. 1220.141: An Ordinance of the City of Dripping Springs amending Chapter 30 to amend Article 30.05; amending Exhibit A, Section 3: Zoning Districts and Appendix E: Zoning Use Regulations (Charts) Amending Mobile Food Vendor Provisions to allow Mobile Food Vendors in Industrial District, Amending Permitted Use Provisions for Districts Zoned General Retail, Industrial, Local Retail, and other district related to uses including Office Use and Mobile Food Vendor Use; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and proper notice & meeting.

Staff Report. Laura Mueller, Assistant City Attorney and Anjali Naini, Planner, presented an overview of the amendments to the Zoning Regulations of Chapter 30 to provide for uses to include mobile food vendors in the Industrial District and other district related uses. Staff recommends approval of this zoning amendment and adoption of the ordinance.

Planning and Zoning Commission Report. The Planning and Zoning Commissioner Chairman Mim James reported on the Commission's review of the ordinance and the Commission's approval.

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

A motion was made by Council Member Kroll to approve and adopt Ordinance No. 1220.141 as presented. Council Member Alba seconded the motion. The motion carried unanimously.

SUBDIVISIONS. *Consideration and possible action on:*

A. Preliminary Plat for Esperanza Subdivision. *(Mark Dickey, Tre and Associates)*

Staff Report. Lali Rambeau made the presentation and overview of the preliminary plat as submitted with staff recommending approval of the preliminary plat.

Parks and Recreation Committee Report. Michelle Fischer, City Administrator, presented the report on behalf of the Parks and Recreation Committee and Brent Luck, Consultant to the Committee, recommending approval of the preliminary plat as submitted.

Planning and Zoning Commission Report. Planning and Zoning Commission Chairman, Mim James, presented an overview of the Commission's review and approval.

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

Parkland Dedication Plan. A motion was made by Council Member Busbey to approve the Parkland Dedication Plan as submitted. Council Member Alba seconded the motion. The motion carried unanimously.

A motion was made by Council Member Kroll to approve the preliminary plat as per staff's recommendations. Council Member Alba seconded the motion. The motion carried unanimously.

BUSINESS. *Consideration and possible action on:*

A. Ordinance No.1803.87: An Ordinance of the City of Dripping Springs to institute proceedings to voluntarily annex into the city limits a tract of City-owned property under Section 43.026 of the Texas Local Government Code described as follows: 2.522 acres of land out of the J.A. Seward Survey, Abstract No. 658, running north from US 290 west of McGregor Lane to the southeast corner of Lot 7 of the Ladera Subdivision.

Staff Report. Laura Mueller, Assistant City Attorney, presented an overview of the area being considered for annexation.

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

Municipal Services Plan. The Municipal Services Plan is included in the proposed Ordinance No. 1803.87 and presented to Council at this time.

A motion was made by Council Member Alba to approve and adopt the Ordinance No. 1803.87 to initiate proceedings for the voluntary annexation of City-owned property under Section 43.026 of the Texas Local Government Code described as 2.522 acres of land in the J.A. Seward Survey, Abstract No. 658. Council Member Busby seconded the motion. The motion carried unanimously.

- B. Ordinance No.1803.88: An Ordinance of the City of Dripping Springs instituting proceedings under Chapter 212 of the Texas Local Government Code to voluntarily annex into the city limits the adjacent and contiguous tract commonly known as Westwood: 682.534 acres located in the ETJ at the northwest corner of McGregor Lane and US Highway 290.

Staff Report. Laura Mueller, Assistant City Attorney, presented an overview of the area being considered for annexation.

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

Municipal Services Plan. The Municipal Services Plan is included in the proposed Ordinance No. 1803.88 and presented to Council at this time.

A motion was made by Council Member Kroll to approve and adopt Ordinance No. 1803.88 to institute proceedings under Chapter 212 of the Texas Local Government Code to voluntarily annex into the city limits the adjacent and contiguous tract known as Westwood. Council Member Alba seconded the motion. The motion carried unanimously.

- C. Participation of the City of Dripping Springs in Supplemental Employee Insurance Policies (*Sponsor: Mayor Todd Purcell*)

A motion was made by Mayor Pro Tem Foulds to approve the participation of the City of Dripping Springs Supplemental Employee Insurance Policy with American Fidelity. Council Member Busbey seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION RECONVENED

Council Member Kroll made a motion to reconvene into Executive Session at 7:35 p.m. to discuss and consult with the City Attorney on Executive Session Item C: employment of Interim City Secretary.

The Open Meeting was recessed at 7:35 p.m.

The Executive Session was adjourned at 7:37 p.m. At that time the Open Meeting was reconvened.

A motion was made Council Member Kroll to approve entering into consulting agreements with SGR and Bojorquez Law Firm to provide interim city secretary services. Mayor Pro Tem Bill Foulds seconded the motion. The motion carried unanimously.

A motion was made by Council Member Kroll to appoint Karen Hughes with SGR and Debbie Loesch with Bojorquez Law Firm as Deputy City Secretaries. Council Member Busbey seconded the motion. The motion carried unanimously.

REPORTS OF AGENCIES, COMMISSIONS AND STAFF

The following Monthly Reports were presented to the Council:

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

ADJOURNMENT

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

Respectfully submitted,



Deborah L. Loesch
Deputy City Secretary

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

Ordinance Nos. 1220.140; 1220.141; 1803.87; and 1803.88 are on file in the office of the City Secretary and are made a part of these minutes by reference.