

Minutes of City Council Regular Meeting – March 28th, 2017

A City Council Regular Meeting of the City of Dripping Springs was held **Tuesday, March 28, 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

City Secretary Angelica Reyes

Assistant City Attorney Laura Mueller

City Treasurer Gina Gillis

DS Ranch Park Manager Lynne Dickinson

Code Enforcement Manager Kyle Dannhaus

Development Coordinator Lali Rambeau

Mayor Pro Tem Bill Foulds calls the meeting to order at 5:32 p.m. All present except Council Member Santos Alba due to illness and Council Member John Kroll.

II. 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 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)**
- B. 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)**
- C. Discussion of duties and employment of City Secretary. (551.074 Deliberation Regarding Personnel Matters)**

Convened to executive session at 6:25 Present: Mayor Pro Tem Bill Foulds, Council Member Charles Busbey, Council Member Wade King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, and Assistant City Attorney Laura Mueller. Reconvened to the regular meeting at 6:40 p.m.

III. PLEDGE OF ALLEGIANCE *Mayor Pro Tem Bill Foulds leads the Pledge of Allegiance.*

IV. 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.

No one was present to speak.

V. 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.

Ginger Faught, Deputy City Administrator requested to pull out Consent Item B.5: Dripping Springs VFW and Vince F. Taylor American Legion Post 290 for Parking Facilities at the Triangle and Lions Club Field

And also requested to move Consent Item C to Business: Approval of Founders Day Festival 2017 Traffic Control Plan.

Michelle Fischer, City Administrator requested to move Consent Item H to Business: Approval of Resolution 2017-37: A Resolution of the City of Dripping Springs approving administrative leave and continuation of benefits for the City Secretary.

A. Approval of Resolution 2017-38; A Resolution of the City of Dripping Springs approving an Interlocal Agreement between the City of Dripping Springs and Hays County for Payment into the Tax Increment Funds of TIRZ Number One and TIRZ Number Two.

B. Approval of 2017 Founders Day Festival Participation Contracts:

1. St. Martin de Porres Catholic Church for Arts, Craft, and Business Vendor Booths
2. Founders Day Festival Facility Use Agreement between the City of Dripping Springs, the Dripping Springs Independent School District and the Dripping Springs Lions Club
3. J. Bar Sanitary for Portable Toilets and Hand Washing Stations
4. Dripping Springs Lions Club for Food Vendor Booths
5. Dripping Springs VFW and Vince F. Taylor American Legion Post 290 for Parking Facilities at the Triangle and Lions Club Field
6. Dripping Springs Rotary Club for Shuttle Services
7. St. Martin de Porres, Knights of Columbus Council 11695 for the sale of Beer and Wine
8. Dripping Springs Cook-Off Club Participation Agreement
9. Dripping Springs Lions Club Agreement for Mighty Thomas Carnival

C. Approval of Founders Day Festival 2017 Traffic Control Plan

- D. **Approval of Resolution No. 2017-40: A Resolution of the City of Dripping Springs Supporting and Authorizing the 2017 Founders Day Parade**
- E. **Approval of Extension of Agreements between Canyon Creek Landscaping and the City of Dripping Springs for landscape services at City Parks, City Properties, Dripping Springs Ranch Park, Mercer Street, and the Wastewater Treatment Plant based on extension provisions in current agreements.**
- F. **Approval of Declaration of Two People Haulers and a Sweeper Truck as Surplus Property and Authorization for City Administrator to Auction them through Texas Bid in accordance with the Contract between the City of Dripping Springs and Texas Bid**
- G. **Approval of Authorization for Submission of City of Dripping Springs Application to the Texas Department of Agriculture's Texas Rural Internship Program**
- H. **Approval of Resolution 2017-37: A Resolution of the City of Dripping Springs approving administrative leave and continuation of benefits for the City Secretary.**

City Council Member Charles Busbey moved to pull out Consent Items B.5, and move Consent Item C, and Consent Item H to Business Items. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.

City Council Member Charles Busbey motions to approve all other Consent Items. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.

VI. BUSINESS

Consideration and Possible Action On:

A. Acceptance of the City of Dripping Springs Fiscal Year 2016 Audit Report, Don Allman, CPA

- 1. Presentation – *Presentation by Don Allman. Report on File.*
- 2. Acceptance of Audit

City Council Member Charles Busbey motions to approve the City of Dripping Springs Fiscal Year 2016 Audit Report. Mayor Pro Tem Bill Foulds reminded staff to make this report available on city website. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.

B. Ordinance No.1100.73: An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2017 Budget

- 1. Public Hearing – *Staff Report on File.*
- 2. Ordinance 1100.73

City Council Member Charles Busbey motions to approve ordinance No. 1100.73, approving amendments to Fiscal Year 2017 Budget. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.

Public Hearing began at 6:00pm as stated in the Public Notice.

C. Heritage Annexation Public Hearing # 1 for the purpose of receiving public comments on the proposed initiation of voluntary annexation proceedings of property under Chapter 212 and Chapter 43 of the Local Government Code for approximately 189 acres located in the extraterritorial jurisdiction of Dripping Springs, in Hays County, Texas,

commonly known as Heritage Subdivision and more particularly described in the list 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.

No one was present to speak at this public hearing.

D. Heritage Annexation Public Hearing # 2 for the purpose of receiving public comments on the proposed initiation of voluntary annexation proceedings of property under Chapter 212 and Chapter 43 of the Local Government Code for approximately 189 acres located in the extraterritorial jurisdiction of Dripping Springs, in Hays County, Texas, commonly known as Heritage Subdivision and more particularly described in the list 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.

No one was present to speak at this public hearing.

E. Proposed Amendments to Maintenance and Use Agreement between the City of Dripping Springs and Dripping Springs Youth Sports Association for Founders Memorial Park and Sports and Recreation Park (Sponsor: Council Member Wade King)

City Council Member Wade King motions to approve amendments to maintenance and Use Agreement. Mayor Pro Tem Charles Busney seconds. VOTE: 3-0 in favor, motion passes.

F. Professional Services Agreement between the City of Dripping Springs and Luck Design Team for Founders Memorial Park Advisory Committee

Michelle Fischer, City Administrator presented and gave overview on Agenda Item F and Agenda Item G. Report of File.

G. Professional Services Agreement between the City of Dripping Springs and Luck Design Team for Veterans Memorial Park/The Triangle Advisory Committee

City Council Member Wade King motions to approve both, Agenda Item F and Agenda Item G; professional service agreements. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.

Council took a five minute recess. Reconvened to regular session at 6:15p.m.

H. Ordinance No. 1000.11: An Ordinance of the City of Dripping Springs amending the time for regular meetings of the City Council; establishing an effective date

1. Public Hearing - *No one was present to speak.*
2. Ordinance. No. 1000.11 - *City Council Member Charles Busbey motions to approve Ordinance No. 1000.11. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.*

I. Ordinance No. 1460.21: An Ordinance of the City of Dripping Springs Establishing A “No Parking-Tow Away Zone” On A Portion Of Ranch Road 12 (RR 12) Within The City Of Dripping Springs; Authorizing And Directing The Placement Of Official Signs And Traffic Control Devices Notifying The Public Of The Zones Established Hereby; And Providing For The Following: Findings Of Fact; Amendment; Repealer; Severability; Codification; Effective Date; And Proper Notice And Meeting.

1. Staff Report – *Ginger Faught, Deputy City Administrator presented and gave overview. Report on File.*
2. Public Hearing - *No one was present to speak.*
3. Ordinance No. 1460.21 - *City Council Member Charles Busbey motions to approve Ordinance No. 1460.21. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.*

A Public Notice will go out to the local newspaper, social media, and in a form of a press release.

J. Public Improvement District (PID) Administrator Services-Heritage. Authorize the City Administrator to negotiate and execute a Pubic Improvement District Administration Agreement with David Taussig and Associates, Inc. for professional services relating to the Heritage proposed Pubic Improvement District upon final review and approval of the City Attorney. Authorize the City Administrator to negotiate with other respondents to the request for qualifications if the initial respondent cannot reach a satisfactory agreement.

Assistant City Attorney Laura Mueller presented and gave overview on both, Agenda Item J and Agenda Item K. Report on file.

K. Public Improvement District (PID) Administrator Services-Westwood. Authorize the City Administrator to negotiate and execute a Pubic Improvement District Administration Agreement with PIDWorks, LLC, for professional services relating to the Westwood Public Improvement District upon final review and approval of the City Attorney. Authorize the City Administrator to negotiate with other respondents to the request for qualifications if the initial respondent cannot reach a satisfactory agreement.

City Council Member Charles Busbey motions to approve both Public Improvement District (PID) for Heritage and Westwood; Agenda Items J and K. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.

Mayor Pro Tem Bill Foulds pointed out an item on the agenda for clarification: Agenda Item H under Business: Ordinance No. 1000.11: An Ordinance of the City of Dripping Springs amending the time for regular meetings of the City Council; establishing an effective date.

Staff confirmed the following change: The 2nd Tuesday of the month, City Council meets for Workshop at 5:30 p.m. and regular meeting starts at 6:30 p.m. The staff clarified that the change will occur not for the Workshop, but the city council meeting will start earlier at 6:00 p.m. instead.

Council Member Charles Busbey motions to approve change of time to second meeting of the month to start at 6:00 p.m. Mayor Pro Tem Bill Foulds seconds. VOTE: 3-0 in favor, motion passes.

Council convened to executive session at 6:25 p.m. Present: Mayor Pro Tem Bill Foulds, Council Member Charles Busbey, Council Member Wade King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, and Assistant City Attorney Laura Mueller.

Reconvened to the regular meeting at 6:45 p.m.

Council brought back two Consent Items that were moved to Business:

Consent Item C to Business: Approval of Founders Day Festival 2017 Traffic Control Plan.

Council Member Charles Busbey motions to approve Founders Day Festival 2017 Traffic Control Plan with modifications. City Council Wade King seconds. VOTE: 3-0 in favor, motion passes.

Consent Item H to Business: Approval of Resolution 2017-37: A Resolution of the City of Dripping Springs approving administrative leave and continuation of benefits for the City Secretary.

Council Member Charles Busbey motions to approve Resolution 2017-37; approving administrative leave and continuation of benefits for the City Secretary. City Council Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.

VII. ANNOUNCEMENTS

- A. Parks & Recreation Commission Meeting, April 10, 2017 at 6:00 p.m.
- B. Economic Development Committee Meeting, on Wednesday, April 26th, 2017
- C. Regular City Council Meeting, April 11, 2017: 5:30pm Workshop/ 6:30pm Meeting**
- D. Second City Council Meeting, April 18, 2017 at 6:00pm**
- E. Planning & Zoning Commission Meeting, April 25, 2017 at 6:30pm

VIII. ADJOURN

Council Member Charles Busbey motions to adjourn the meeting. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes. Meeting adjourns at 6:45 p.m.