

Minutes of City Council Regular Meeting – February 21, 2017

A City Council Regular Meeting of the City of Dripping Springs was held **Tuesday, February 21, 2017**, beginning at 6:00 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL - 6:00 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

Legal Counsel Dottie Palumbo

DS Ranch Park Manager Lynne Dickinson

Planning Consultant Anjali Naini

Mayor Pro Tem Bill Foulds calls the meeting to order at 6:01pm. All present except Council Member John Kroll. Also present are City Administrator, Michelle Fischer, Deputy City Administrator Ginger Faught, City Secretary Angelica Reyes, Legal Counsel Dottie Palumbo, DS Ranch Park Manager Lynne Dickinson, and Planning Consultant Anjali Naini.

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 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)
- B. Deliberation regarding the potential purchase of all or a portion of real property related to the Transportation Plan. (551.072 Purchase, Exchange, Lease or Value of Real Property)

Convened to executive session at 6:02pm. Present: Mayor Todd Purcell, Mayor Pro Tem Bill Foulds, Council Member Santos Alba, Council Member Charles Busbey, Council Member Wade King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, and Legal Counsel Dottie Palumbo. Council Member John Kroll arrived after Executive Session. Reconvened to the regular meeting at 6:07pm.

III. PLEDGE OF ALLEGIANCE - Council Member Charles Busbey leads the Pledge of Allegiance.

Council noticed an administrative error. Presentation of Citizens was not included as part of the agenda. Council requested this be added to agenda.

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.

– David Edwards with the Chamber of Commerce Development Committee presented in support of both TDHCA affordable housing projects

IV. 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 Resolution No: 2017-32:** A Resolution of the City of Dripping Springs Approving MUD 5 Bond Application for Series 2017 (*Sponsor: Councilman Charles Busbey*)
- B. **Approval of Master Short Form Agreement Number 1 between HDR Engineering, Inc. and the City of Dripping Springs for Professional Engineering Services** (*Sponsor: Charles Busbey*)
- C. **Approval of Hotel Occupancy Tax Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce** (*Sponsor: Mayor Pro Tem Bill Foulds*)
- D. **Approval of Co-Sponsorship Application and Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce for First Thursday** (*Sponsor: Mayor Pro Tem Bill Foulds*)
- E. **Approval of Request from Dripping Springs Youth Sports Association Lacrosse to Use All Three Fields at Founders Memorial Park for a Tournament on February 26th, Keith Smith, DSYSA Lacrosse President** (*Sponsor: Councilman Wade King*)
- F. **Approval of Resolution No. 2017-16:** A Resolution of the City of Dripping Springs Supporting Legislation Prohibiting Off Premise Signs Adjacent to and Visible From FM 1826 and RM 150 (*Sponsor: Mayor Pro Tem Bill Foulds*)
- G. **Approval of Resolution No. 2017-17:** A Resolution of the City of Dripping Springs Supporting House Bill 1429 relating to the authority of certain holders of a wine and beer retailer 's permit to manufacture and sell wine and engage in certain related activities (*Sponsor: Mayor Todd Purcell*)
- H. **Approval of Acknowledgement of Contractor Disclosure of Interest Form Submitted by**

Andy Barrett

Mayor Pro Tem Bill Foulds motions to approve all consent items. Council Member Charles Busbey seconds. Council Member John Kroll arrived after 6:07pm, did not vote on consent items. VOTE: 4-0 in favor, motion passes.

V. PARKS AND RECREATION

Consideration and Possible Action On:

A. Proposed Eagle Scout Project for Chimney Swift Tower and Invasive Species Removal at Charro Ranch Park, Including Donation Agreement and Request For City Funding for Materials, Connor Stevens, Eagle Scout Candidate (Sponsor: Councilman Wade King)

1. Presentation – *Conner Stevens gave presentation and overview. Presentation on file.*
2. Staff Report – *Michelle Fischer gave overview and recommended approval.*
3. Parks & Recreation Commission Report – *Report on file.*
4. Donation Agreement
5. Request for Funding

Council Member John Kroll motions to approve both, the Eagle Scout Project for Chimney Swift Tower and donation. Council commended Eagle Scout Stevens for a great presentation and project. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.

B. 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)

- DSYSA presented and gave overview.

No action taken. City Council directed staff to work with DSYSA to to make revisions regarding the lightening ordinance, and to bring a revised agreement to the next City Council meeting. Mayor requested a lightening plan for this agreement; requested DSYSA provide a schedule of all lights.

C. Resolution No. 2017-31: A Resolution of the City of Dripping Springs Approving the Master Plan for Dripping Springs Ranch Park, Brent Luck, Parks & Recreation Consultant (Sponsor: Councilman Wade King)

*-Lynne Dickenson provided overview. Report on file.
-Brent Luck provided overview. Report on file.*

Council Member Wade King motioned to approve the Master Plan for Dripping Springs Ranch Park. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

VI. SUBDIVISIONS

Consideration and Possible Action on:

A. Preliminary Concept Plan for Driftwood 522 Subdivision, approximately 522 acres located in the ETJ near the intersection of FM 967 and FM 1826 in Driftwood, Mark Rivers, Applicant

1. Presentation – *Mark Rivers presented and gave overview. Report on File.*
2. Discussion-No action to be taken.

B. Preliminary Concept Plan for Vineyards 150 Subdivision, approximately 360 acres located on FM 150, Mark Rivers, Applicant

1. Presentation - *Mark Rivers presented and gave overview. Report on File.*
2. Discussion-No action to be taken.

City Council convened to executive session at 6:47p.m. to discuss Resolution No. 2017-26 and Resolution No. 2017-27. Present: Mayor Todd Purcell, Mayor Pro Tem Bill Foulds, Council Members Santos Alba, Charles Busbey, Wade King, and John Kroll. Also present were City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, and Legal Counsel Dottie Palumbo. Reconvened to the regular meeting at 6:55pm.

VII. BUSINESS

Consideration and Possible Action On:

A. Resolution No. 2017-26: A Resolution of the City of Dripping Springs Consenting to the Creation of the Driftwood Municipal Utility District No. 1 (Project also known as the Vineyards 150 Subdivision, approximately 360 acres located on FM 150 in Driftwood)

-Deputy City Administrator Ginger Faught presented and gave overview. Recommended approval. Report on file.

Council Member John Kroll motioned to approve Resolution No. 2017-26. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

B. Resolution No. 2017-34: A Resolution of the City of Dripping Springs, Texas accepting a letter to request annexation proceedings to reconvene for approximately 189 acres of land commonly known as Heritage.

- Planning Consultant Anjali Naini presented and gave overview. Recommended approval. Report on file.

Mayor Pro Tem Bill Foulds motioned to approve Resolution No. 2017-34. Council Member Charles Busbey seconds. Council Member John Kroll abstains from voting. VOTE: 4-0 in favor, motion passes

C. Resolution No. 2017-27: A Resolution of the City of Dripping Springs Consenting to the Creation of the Driftwood Conservation Municipal Utility District (Project also known as the Driftwood 522 Subdivision, approximately 522 acres located in the ETJ near the intersection of FM 967 and FM 1826 in Driftwood)

-Deputy City Administrator Ginger Faught presented and gave overview. Recommends

approval. Report on file.

Mayor Pro Tem Bill Foulds motioned to approve Resolution No. 2017-27. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

- D. Resolution No. 2017-28:** A Resolution of the City of Dripping Springs Supporting the Proposed Merritt Headwaters Housing Community for Individuals and Families; Approving an Application for Low Income Housing Tax Credits to Finance Such Project; and Providing and In-Kind Contribution for Such Project, *Blake Rue, Merritt Headwaters* (Sponsor: Mayor Pro-Tem Bill Foulds)

1. Presentation – *John Thompson presented and provided support for this agenda item.*
2. Staff Report -*City Administrator Michelle Fischer presented and gave overview. Recommends approval. Report on file.*
3. Resolution No. 2017-28

Council Member John Kroll leaves the room at 7:10pm because he has a potential conflict of interest concerning this agenda item. Leaves room prior to staff report.

Mayor Pro Tem Bill Foulds motioned to approve Resolution No. 2017-28. Council Member Charles Busbey seconds. Council Member John Kroll abstains from voting. VOTE: 4-0 in favor, motion passes.

- E. Resolution No. 2017-29:** A Resolution of the City of Dripping Springs Supporting the Proposed Western Springs Apartments for Individuals and Families; Approving an Application for Low Income Housing Tax Credits to Finance Such Project; and Providing and In-Kind Contribution for Such Project, *Lora Myrick, Housing Lab by Betco and Jon Thompson, Applicant Representatives* (Sponsor: Mayor Pro Tem Foulds)

1. Presentation – *John Thompson presented and provided support for this agenda item. Applicant Application on File.*
2. Staff Report - *City Administrator Michelle Fischer presented and gave overview. Recommends approval. Report on file.*
3. Resolution No. 2017-29

Council Member Charles Busbey motions to approve Resolution No. 2017-29. Council Member Santos Alba seconds. Council Member John Kroll abstains from voting. VOTE: 4-0 in favor, motion passes.

Council Member John Kroll re-enters the room at 7:34pm.

- F. Ordinance No.1803.85: An Ordinance of the City of Dripping Springs to voluntarily annex into the City Limits a tract of City-owned property described as follows: 2.305 acres of land in the William Walker Survey No. 130, Abstract No. 475, Hays County, Texas, being all of proposed Phase 1, Lot 2 out of the replat of Tracts A-1, A-2, & A-3 Vista Ranch, also known as Blue Blazes Ranch, a proposed Subdivision in Hays County, Texas.**

1. Staff Report (Anjali Naini) – *Staff presented and gave overview. This item was tabled at the City Council meeting on February 15, 2017 due to an outstanding issue regarding a lien or*

mortgage on the property.

Staff recommends 1) A motion to untable this item prior to discussion; 2) Adopt the annexation Ordinance No. 1803.85. Report on file.

Mayor Pro Tem Bill Foulds motions to reconsider the tabled item of Blue Blazes; Ordinance No. 1803.85. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

2. Public Hearing – *No one was present to speak.*
3. Municipal Services Plan
4. Ordinance No. 1803.85 – *Mayor Pro Tem Bill Foulds motions to approve Municipal Service Plan and Ordinance No. 1803.85. Council Member Charles Busbey seconds. VOTE: 5-0 in favor,*

G. Ordinance No.1803.86: An Ordinance of the City of Dripping Springs to voluntarily annex into the City Limits the adjacent and contiguous tract commonly known as Blue Blazes: 35.022 acres of the William Walker Survey No. 130, Abstract No. 475, being all of lots A-1, A-2, and A-3 of the replat of Tract A, Vista Ranch, a subdivision of Hays County, Texas, according to the plat of record in Volume 14, Page 12 and 13, plat records of Hays County, Texas.

1. Staff Report (Anjali Naini) - *Staff presented and gave overview. This item was tabled at the City Council meeting on February 15, 2017 due to an outstanding issue regarding a lien or mortgage on the property.*

Staff recommends 1) Motion to untable this item prior to discussion; 2) Adopt the annexation Ordinance No. 1803.86. Report on file.

Mayor Pro Tem Bill Foulds motions to reconsider the tabled item of Blue Blazes; Ordinance No. 1803.86. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

2. Public Hearing – *No one was present to speak.*
3. Municipal Services Plan
4. Ordinance No. 1803.86

– Council Member Charles Busbey motions to approve Municipal Service Plan and Ordinance No. 1803.86. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

H. Resolution No. 2017-30: A Resolution of the City of Dripping Springs Adopting a Records Management Policy (Sponsor: Councilman Santos Alba)

- *City Secretary Angelica Reyes provided overview and recommends approval. Record on File. Legal Counsel Dottie Palumbo added that once this resolution is approved, an official city ordinance will be drafted and presented in consent calendar at next meeting to amend our current city ordinance on record retention.*

Council Member Charles Busbey motions to approve both: Agenda Item H. Resolution No. 2017-30 and Agenda Item I: Professional Service for Assistance with Records

Retention. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

I. Professional Services for Assistance with Records Management (Sponsor: Council Member Santos Alba)

1. Staff Report – City Secretary Angelica Reyes provided overview. Record on File. Staff recommends approval.
2. Approval of Professional Services and Funding

Council Member Charles Busbey motions to approve both: Agenda Item H. Resolution No. 2017-30 and Agenda Item I: Professional Service for Assistance with Records Retention. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

J. Purchase of Mercer Street Historic District Waste Receptacles and Recommendation of Amendment to the Mercer Street Project Budget Expenses (Sponsor: Councilman Santos Alba)

1. Staff Report – City Administrator Michelle Fischer presented and gave overview. Report on file.
2. Approval of Purchase and Amendment to Mercer Street Project Budget

– Mayor Pro Tem Bill Foulds motions to approve with an addition for one more purchase of waste receptacle for city hall. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

K. Resolution No. 2017-33: A Resolution Of The City Of Dripping Springs, Texas, Establishing Priorities For The 85th Legislative Session In Texas, And Authorizing Representation Of The Municipality In Advocating Certain Positions (Sponsor: Councilman John Kroll)

– Resolution on File. Legal Counsel Dottie Palumbo would like to add an additional amendment to water funding to this resolution.

– Council Member Charles Busbey motions to approve Resolution No. 2017-33 with additional amended in reference to water funding. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

L. Interlocal Cooperation Contract Between The Texas Department Of Public Safety And City Of Dripping Springs For Driver License Office And Substation (Sponsor: Mayor Todd Purcell)

– City Administrator Michelle Fischer presented and gave overview. Contract on file.

– Council Member John Kroll motions to approve subject to legal review and the Mayor's execution. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

VIII. ANNOUNCEMENTS

- A. Regular Planning and Zoning Commission Meeting, February 28, 2017 at 7 p.m.
- B. Regular City Council Meeting, March 21, 2017, 5:30 p.m. Workshop/7:00 p.m. Meeting
- C. Regular City Council Meeting, March 28, 2017 6:00 p.m.

IX. ADJOURN

Council Member Charles Busbey motions to adjourn the meeting. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 7:52 p.m.