

Minutes of City Council Regular Meeting – 12/13/16

A City Council Regular Meeting of the City of Dripping Springs was held Tuesday, **December 13, 2016**, 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

Planning and Zoning Commission Chair Mim James

Assistant City Attorney Laura Mueller

City Treasurer Gina Gillis

DS Ranch Park Manager Lynne Dickinson

Acting Director of Public Works and Development Kyle Dannhaus

City Planner Anjali Naini

Council Member Santos Alba called the meeting to order at 5:37 p.m. All Council Members were present during the Call To Order, except Mayor Pro Tem Bill Foulds and Mayor Todd Purcell. Also present were Assistant City Attorney Laura Mueller, Special Counsel Dottie Palumbo, Planning and Zoning Commission Chair Mim James, City Treasurer Gina Gillis, Dripping Springs Ranch Park Manager Lynne Dickinson, Acting Director of Public Works and Development Kyle Dannhaus, and City Planner Anjali Naini.

Mayor Pro Tem Bill Foulds arrived at 5:51 p.m. Mayor Todd Purcell arrived at 7:05 p.m.

II. **WORKSHOP**

No action to be taken. 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.

III. **EXECUTIVE SESSION**

- A. Consultation with City Attorney Regarding Legal Requirements and Procedures for the Potential Creation of Certain Special Districts to Finance Improvements Benefitting the Westwood (Scenic Greens) Subdivision (551.071 Consultation with City Attorney)
- B. Consultation with City Attorney Regarding Legal Requirements and Procedures for the Potential Creation of Certain Special Districts to Finance Improvements Benefitting the Heritage Subdivision (551.071 Consultation with City Attorney)
- C. 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)
- D. Deliberation regarding Personnel Matters related to performance pay incentive for specific employees: City Administrator, Deputy City Administrator, Director of Public Works and Development Department; Manager of Code Enforcement; Development Coordinator; Administrative Assistant-Development Department; Planning Assistant; Construction Inspector; Communications Coordinator; Receptionist; Administrative Assistant to City

Administrators; City Treasurer; Accounting Clerk; City Secretary; Utilities Coordinator; Municipal Court Clerk; Maintenance Director; Maintenance Worker; Dripping Springs Ranch Park Manager; Dripping Springs Ranch Park Maintenance Worker; Emergency Planning Coordinator; Farmers Market Manager (551.074 Personnel Matters)

- E. Consultation with City Attorney regarding Possible Interlocal Agreement with the Texas Department of Public Safety regarding a Property Lease Agreement (551.071 Consultation with City Attorney and 551:072 Purchase, Exchange, Lease or Value of Real Property)
- F. 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 6:05p.m. Present: Mayor Pro Tem Bill Foulds, Council Member Santos Alba, Council Member Charles Busbey, Council Member Wade King, Council Member John Kroll. Also present were Assistant City Attorney Laura Mueller, Special Counsel Dottie Palumbo, and Planning and Zoning Commission Chair Mim James. Reconvened to the regular meeting at 7:05 p.m.

IV RECESS

V. RECONVENE AT 7:00 p.m.

VI PLEDGE OF ALLEGIANCE - Mayor Todd Purcell leads the Pledge of Allegiance.

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.

Mr. Michael Aulick, an ETJ resident shared his concern regarding Onion Creek.

Mr. Richard Baggs, member of Protect Our Water shared his concern regarding Onion Creek.

VIII. CONSENT ITEMS

- A. Approval of Regular Meeting Minutes, November 8, 2016
- B. Approval of Treasurer's Report for November 2016
- C. Approval of Easement in favor of Texas Gas Easement: Incorporating map of specific easement in the Texas Gas Easement previously approved by the City Council

Council Member Santos Alba motions to approve all consent items. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

IX. BOARD OF ADJUSTMENT

Consideration and Possible Action On:

A. **Sign Variance Requests for Starbucks Coffee, located at 108 East US 290 West, Wayne Rhodes, Hilton Displays, Applicant**

1. Presentation – Owen Hutchinson from Dallas and representing Starbucks Coffee presented and provided overview.
2. Sign Administrator's Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of sign variance request.
3. Planning & Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve according to staff's recommendation at their November 29, 2016 meeting.
4. Public Hearing – No one was present to speak.
5. Variance Request to Allow Menu Boards – On file
6. Variance Request to Allow a Digital Order Screen – On file
7. Variance Request to Exceed the Maximum Number of Signs Allowed for a Business in a Multi-Unit Property – On file

Council Member Charles Busbey motions to approve all three variances with the condition that signs comply with lightning ordinance, mainly after hours. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

X. SUBDIVISIONS

A. Preliminary Plat for Parten Ranch Phase 1, LJA Engineering, Inc

1. Presentation - *Daniel Ryan, P.E. presented and gave overview*
2. Staff Report (Kyle Dannhaus) – *Report on file. Staff recommends approval of the preliminary plat.*
3. Planning & Zoning Commission Report - *Planning and Zoning Commission Chair Mim James states that the Commission voted to approve the preliminary plat at their November 29, 2016 meeting.*
4. Public Hearing - *No one was present to speak.*
5. Preliminary Plat

Mayor Pro Tem Bill Foulds motions to approve preliminary plat with staff recommendations. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XI. ZONING

A. Ordinance No 1220.132: An Ordinance of the City of Dripping Springs rezoning 730 Old Fitzhugh Road and 801 Old Fitzhugh Road, totaling approximately 1.32 acres, from Single Family Residential District (SF-1) to General Retail (GR). Applicant: Leslie Renfro

1. Presentation – *Leslie Renfro, applicant presented and gave overview. Presentation on file.*
2. Staff Report (Lali Rambeau) – *Development Coordinator Lali Rambeau presented and gave overview. Report on file. Staff recommends approval of ordinance.*
3. Planning & Zoning Commission Report - *Planning and Zoning Commission Chair Mim James states that the Commission voted to approve the preliminary plat at their November 29, 2016 meeting with staff recommendations.*
4. Public Hearing - *No one was present to speak.*
5. Ordinance No 1220.132

Mayor Pro Tem Bill Foulds motions to approve preliminary plat with staff recommendations. Council Member Charles Busbey seconds. Council Member John Kroll abstains from voting on this item due to personal reasons. VOTE: 4-0 in favor, motion passes.

B. Conditional Use Permit Application for Pig Pen BBQ to Allow for a Mobile Food Vendor Court and Associated Improvements, Located at 1005 W. Hwy 290. Applicant: Jon Thompson

1. Presentation – *John Thompson, on behalf of the applicant presented and gave overview. Presentation on file. Owner of Pig Pen BBQ, Bill Warren was present but did not speak.*
2. Staff Report (Lali Rambeau) - *Development Coordinator Lali Rambeau presented and gave overview. Report on file. Staff recommends approval of permit application.*
3. Planning & Zoning Commission Report- *Planning and Zoning Commission Chair Mim James states that the Commission - Planning and Zoning Commission Chair Mim James states that the Commission voted to approve the permit application at their November 29, 2016 meeting with staff. Chairman highlighted that at their November 29, 2016 meeting, the Commission made it a point to stress the importance of an attractive layout.*
4. Public Hearing - *No one was present to speak.*
5. Conditional Use Permit - Mobile Food Vendor Court and Associated Improvements

Council Member John Kroll motions to approve preliminary plat with staff recommendations. Council Member Santos Alba seconds. Council Member Charles Busbey abstains from voting on this item. VOTE: 4-0 in favor, motion passes.

XII. PARKS AND RECREATION

Consideration and Possible Action On:

A. Discussion and Possible Action on the Sale of Advertising Space at Dripping Springs Ranch Park and Event Center; Direct Staff to take Appropriate Action (Sponsor: Mayor Purcell)

DS Ranch Park Manager Lynne Dickinson provided brief overview and recommended sale of advertising space at the DS Ranch Park and Event Center. Report on File

Council Member Charles Busbey motions to approve staff recommendation. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

B. Time Warner Cable Business Class Service Agreement between the City of Dripping Springs and Time Warner Enterprises LLC for Telephone and Internet Service at Dripping Springs Ranch Park and Event Center (Sponsor: Mayor Purcell)

No one presented.

Council Member Charles Busbey motions to approve service agreement. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.

C. Discussion and Possible Action on the Use of Dripping Springs Ranch Park and Event Center for Emergency Animal Evacuations; Direct Staff to take Appropriate Action and Draft an Interlocal Agreement if approved (Sponsor: Mayor Purcell)

DS Ranch Park Manager Lynne Dickinson provided brief overview and recommended the use of the Dripping Springs Ranch Park and Event Center for Emergency Animal Evacuations. Report on File

Council Member Santos Alba motions to approve service agreement. City Council Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

D. Request From Amy Kirk for Reduced Fees for Art Show to be held March 11 and 12, 2017 at Dripping Springs Ranch Park and Event Center (Sponsor: Mayor Purcell)

DS Ranch Park Manager Lynne Dickinson provided brief overview. Report on File

Council Member Charles Busby motions to approve service agreement. City Council John Kroll seconds. VOTE: 5-0 in favor, motion passes.

E. Ninety Day Extension of 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 King)

City Administrator Michelle Fischer provided brief overview. Report on File

Council Member John Kroll motions to approve the ninety day extension. City Council Santos Alba seconds. Mayor Pro Tem Bill Foulds opposes the extension. VOTE: 4-0 in favor, motion passes

XIII. UTILITIES AND PUBLIC WORKS

A. Review Bids Received for Amendment 1 Wastewater Treatment Plant Improvements and Award of Contract to TTE, LLC (Sponsor: Mayor Pro Tem Foulds)

1. Staff Report – *Deputy City Administrator Ginger Faught provided brief overview. Report on file. Staff recommends awarding the contract to TTE*
2. Award of Contract

Mayor Pro Tem Bill Foulds motions to approve the award of contract. City Council Charles Busbey seconds. VOTE: 5-0 in favor, motion passes

B. First Amendment to the Wastewater Service and Impact Fee Agreement between the City of Dripping and Howard Land & Cattle, Ltd., for the Howard Commercial Tract located at RR12 and FM 150 (Sponsor: Mayor Pro Tem Foulds)

Deputy City Administrator Ginger Faught provided brief overview. Report on file.

Mayor Pro Tem Bill Foulds motions to approve conditioned on successful negotiation and execution of the agreement regarding Development Matters (Agenda Item XIII.C on this Agenda). City Council Charles Busbey seconds. VOTE: 5-0 in favor, motion passes

C. Agreement Regarding Development Matters pertaining to Future Permitting and Development of the Howard Commercial Tract and the FM 150 Commercial Tract, Specifically Roadway Phasing and other Matters between the City of Dripping Springs and Howard Land & Cattle, Ltd.,

Deputy City Administrator Ginger Faught provided brief overview. Report on file.

City Council Charles Busbey motions to authorize the Mayor to execute the agreement subject to city staff, city engineer, and city attorney finalizing the agreement. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes

D. Resolution 2017-11: A Resolution of the City of Dripping Springs Approving the City's Funding of a Portion of the Costs for a Drainage Engineering Peer Review Services for various site developments near the intersection of Sawyer Ranch Road and Rugged Earth Drive (Sponsor: Council Member Busbey)

1. Staff Report - *City Administrator Michelle Fischer provided brief overview. Staff recommends approval of resolution. Report on File*
2. Resolution 2017-11

City Council Charles Busbey motions to approve. City Council John Kroll seconds. Mayor Pro Tem Bill Foulds exited the Council Chambers at 8:05 p.m. VOTE: 4-0 in favor, motion passes

E. Resolution No. 2017-12: A Resolution of the City of Dripping Springs Releasing the Construction Bond for Parkland Improvements, Retreat at Dripping Springs, Lot 1 Burrows Subdivision

1. Staff Report (Richard Cartright) - *Acting Director of Public Works and Development Kyle Dannhaus provided brief overview. Staff recommends approval to release construction bond. Report on File*
2. Resolution No. 2017-12
3. Construction Bond

City Council Santos Alba motions to approve. City Council John Kroll seconds. Mayor Pro Tem Bill Foulds returned to the Council Chambers at 8:07 p.m. VOTE: 5-0 in favor, motion passes

XIV. BUSINESS

A. **Requests from Tamara Joyce-Wylie and Christine Ann to Waive Itinerant Vendor License Fees for Christmas on Mercer Street Vendors Operating at Dripping with Delights Market Place & Frozen Yogurt on December 10th and at Goodie Two Shoes on December 15th (Sponsor: Mayor Pro Tem Foulds)**

1. Staff Report (Rachel Goodnight) - *Report on file. Staff recommends approval of waiver.*
2. Waiver of Fees

Tamara Joyce and Christine Ann presented and gave overview. Requested the waiving the vendor license fees.

Mayor Pro Tem Bill Foulds motions to approve. City Council Wade King seconds. VOTE: 5-0 in favor, motion passes

Mayor Todd Purcell would like to go on record that the City Council would like to continue future discussion to improve Christmas on Mercer Event.

B. **Ordinance No. 1803.81: An Ordinance of the City of Dripping Springs to voluntarily annex into the City Limits the adjacent and contiguous tract commonly known as 200 East Creek Drive: 5.127 Acres, Lot 1 Resubdivision of Lots 41, 43, 44 & 45, Kirby Springs Ranch, Phase Two, a subdivision in Hays County, Texas, according to the map or plat of record in Volume 5, Pages 187-199, of the Plat Records of Hays County, Texas, including the following: Findings of Fact, Effective Date, Repealer, Severability, and Proper Notice and Meeting**

1. Staff Report (Anjali Naini) - *Report on file. Staff recommends adopting the annexation ordinance.*
2. Public Hearing - *None*
3. Approval of Municipal Service Plan – *On File*
4. Approval of Ordinance No. 1803.81

Mayor Pro Tem Bill Foulds motions to approve. City Council Charles Busbey seconds. VOTE: 5-0 in favor, motion passes

C. **Resolution No. 2017-13: A Resolution of the City of Dripping Springs Accepting Petition for Annexation and Setting Dates, Times, and Place for Public Hearings on the Proposed Annexation of the Blue Blazes Property at Lots A-1, A-2, and A-3 at Vista Ranch Subdivision.**

1. Staff Report (Anjali Naini)- *Report on file. Staff recommends approval of accepting the petition for Blue Blazes Property.*
2. Petition for Annexation – *On File*
3. Resolution No. 2017-13
4. Notice of Public Hearing - *On File*

Council Member Santos Alba motions to adopt the resolution. City Council John Kroll seconds. VOTE: 5-0 in favor, motion passes

D. **Agreement between the City of Dripping Springs and CGI Communications, Inc. for a Community Video Program (Sponsor: Council Member Wade King)**

1. Staff Report (Bonnie Gonzalez)- *Report on file. Staff recommends CGI Communications agreement.*
2. Agreement – *On File*

Council Member Wade King motions to approve agreement. City Council John Kroll seconds. VOTE: 5-0 in favor, motion passes

E. **TIRZ No.1, Town Center:** TIRZ Discussion and Possible Approval of Bylaws and Final Project Plan

1. Staff Report (Laura Mueller)- *Report on file. Staff recommends to approve Bylaws and Final Project of TIRZ No. 1, Town Center.*_____
2. TIRZ No. 1, Town Center, Bylaws - *On File*
3. TIRZ No. 1, Town Center, Final Project Plan - *On File*

Mayor Pro Tem Bill Foulds motions for approval of Bylaws and Project Plan. City Council Wade King seconds. Council Member John Kroll abstains from voting on this item. VOTE: 4-0 in favor, motion passes

F. **TIRZ No. 2, Arrowhead:** Discussion and Possible Approval of Bylaws and Final Project Plan

1. Staff Report (Laura Mueller) - *Report on file. Staff recommends to approve Bylaws and Final Project of TIRZ No. 2, Arrowhead.*
2. TIRZ No. 2, Arrowhead TIRZ, Bylaws - *On File*
3. TIRZ No. 2, Arrowhead TIRZ, Final Project Plan - *On File*

Council Member John Kroll motions for approval of Bylaws and Project Plan. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes

G. **Direct Staff to take appropriate action regarding Buyer Representation Agreement-Realty Austin, Melanie Fenelon and on Appraisal of Property**

Council Member John Kroll motions for approval of agreement. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes

H. **Direct Staff to take appropriate action regarding Possible Interlocal Agreement with the Texas Department of Public Safety regarding a Property Lease Agreement**

Council Member Charles Busbey motions for approval District Staff to take appropriate action regarding possible Interlocal Agreement. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes

I. **Discussion and Possible Action on Performance Pay Incentives for Specific City Employees**

Discussed during Executive Session

XV. **REPORTS OF AGENCIES, COMMISSIONS AND STAFF**

- A. November 2016 Farmers Market Manager's Monthly Report
- B. November 2016 Dripping Springs Ranch Park Monthly Report
- C. November 2016 Transportation Committee Monthly Report - Erik Burgeson, Chair
- D. November 2016 Economic Development Committee Monthly Report - Provided by Patrick Rose

XVI. **ANNOUNCEMENTS**

- A. Regular City Council Meeting, January 10, 2017 at 6:00 p.m.
- B. Regular Emergency Management Commission Meeting, December 15, 2016 at 5:00 p.m.
- C. Regular Planning & Zoning Commission Meeting, December 19, 2016 at 7:00 p.m.

XVII. **ADJOURN**

Council Member Charles Busbey motions to adjourn the meeting. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 8:15 p.m.