

Minutes of City Council Regular Meeting: November 8, 2016

City of Dripping Springs

A City Council Regular Meeting of the City of Dripping Springs was held Tuesday, **November 8, 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
Director of Public Works and Development Rick Coneway
Planning and Zoning Commission Chair Mim James
City Attorney Alan Bojorquez

Mayor Todd Purcell called the meeting to order at 5:40pm. All present except Council Member Wade King, and Council Member John Kroll. Also present were Assistant City Attorney Laura Mueller, City Attorney Dorothy Palumbo, Financial Advisor Andre Ayala, Special Counsel David Tuckfield, and Planning Consultant Anjali Naini. Council Member Wade King arrived at 6:40 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

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. Deliberation regarding Personnel Matters related to job descriptions, compensation, benefits and hiring of part-time Maintenance Director, part-time Maintenance Worker, Development Coordinator, and Planning Assistant. (551.074 Personnel Matters)
- B. 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)
- C. 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)
- D. Consultation with City Attorney on Legal Issues Related to Potential Tax Increment Reinvestment Zones (TIRZs) Project and Future Development Related to a TIRZ or TIRZs (551.071 Consultation with City Attorney)

- E. 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)
- F. Consultation with City Attorney regarding the Development Agreement for Roadway Facilities between the City of Dripping Springs and Mickey Davidson Kroll and Jim Karhan to facilitate the North Extension of Roger Hanks Parkway (551.071 Consultation with City Attorney)

Convened to executive session at 5.44 P.M. Present: Mayor Todd Purcell, Mayor Pro Tem Bill Foulds, Council Member Santos Alba, Council Member Charles Busbey, Council Member John Kroll, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Director of Public Works and Development Rick Coneway, and City Attorney Alan Bojorquez. Council Member John Kroll left during agenda item C and F. Reconvened to regular meeting at 7:25 P.M.

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE - Council Member Charles Busbey 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.

- A. Recognition of City Attorney Alan Bojorquez for Being Awarded the "Marvin J. Glink Private Practice Local Government Attorney Award" by the International Municipal Lawyers Association
- B. Recognition of November 7th - 11th, 2016 as "Municipal Court Week" and Recognition of Municipal Court Personnel for their Service and Contributions
- C. Recognition of Deputy City Attorney Ryan Turner Regarding Being Awarded the "2016 Outstanding Government Lawyer Award" by the Government Law Section of the State Bar of Texas

City Council Member Charles Busbey recognized and congratulated City Attorney Alan Bojorquez for being awarded the "Marvin J. Glink Private Practice Local Government Attorney Award". City Administrator Michelle Fischer also recognized and congratulated Deputy City Attorney Ryan Turner for the "2016 Outstanding Government Lawyer Award" by the Government Law Section of the State Bar of Texas. Additionally, Mayor Todd Purcell announced Nov. 7th – 11th, 2016 as Municipal Court Week and recognized Municipal Court Personnel, Deputy City Attorney Ryan Turner Clerk, Municipal Clerk Rebeca Rubio and Municipal Court Judge Marilyn Miller for their dedication for serving the citizens of Dripping Springs.

VIII. 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 Regular Meeting Minutes, October 18, 2016
- B. Approval of Treasurer's Report for October 2016

- C. Approval of Appointment of Chris Schmidt to the Founders Day Commission, Term to Expire June 2018
- D. Approval of Appointment of Bonnie Gonzalez to the Founders Day Commission, Term to Expire June 2018
- E. Approval of Memorandum Evidencing Amendment to Belterra Commercial Development Agreement for previously approved Belterra Commercial Master Tree Preservation and Landscape Plan. Direct staff to take appropriate action.
- F. Approval of Traffic Control Plan and Partial Temporary Closure of Mercer Street, North College Street, North San Marcos Street, and Old Fitzhugh Road for the 12th Annual Christmas on Mercer Street Event to be held December 3, 2016
- G. Approval of Proposal from Flasher Equipment Co. for Mighty Tiger Trail Striping from US290 to Dripping Springs High School
- H. Approval of Authorization of Mayor Todd Purcell to Cast City's Vote in the Dripping Springs Chamber of Commerce 2017 Board of Directors Run Off Election
- I. Approval of Resolution No. 2017-03: A Resolution of the City of Dripping Springs Accepting Maintenance Bond for Twelve (12) Inch Effluent Lines Constructed by Digger Dry Utilities, Inc.
- J. Approval of Co-Sponsorship Application and Agreement between the City of Dripping Springs and the Hill Country Rally For Kids for the Hill Country Rally For Kids Car Show on September 23, 2017 (Rain Out Date of September 30, 2017), *Cody Reeves, Hill Country Rally For Kids*

Council Member Bill Foulds motioned to approve all consent items. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.

IX. ZONING

Consideration and Possible Action On:

- A. Ordinance No. 1220.130: An Ordinance of the City of Dripping Springs creating Planned Development Number 6 for the Headwaters Commercial Tract, of approximately 166.801 acres, out of the William Walker Survey No. 130, Abstract No. 475, Hays County, Texas, creating a zoning district, amending the Zoning Map, amending the Zoning Ordinance, approving the Planned Development Master Plan, and establishing an Effective Date.
 - 1. Presentation - Planning Consultant Anjali Naini presented
 - 2. Staff Report (Anjali Naini) – on file
 - 3. Planning and Zoning Commission Report – Mim James Planning and Zoning commission Chair provided report and requested approval
 - 4. Public Hearing – No Public Hearing Request
 - 5. Ordinance No. 1220.130: Planned Development District No. 6

Council Member Wade King motions to approve Ordinance No. 1220.130. Council Member Bill Foulds seconds. VOTE: 3-0 in favor, motion passes.
- B. Ordinance No. 1220.127: An Ordinance of the City of Dripping Springs rezoning of two tracts at 198 Creek Road, totaling approximately 3.1 acres, from Two-Family Residential, Duplex (SF-4) to General Retail (GR). *Applicant: Jon Thompson*
 - 1. Presentation – Jon Thompson presented and gave overview
 - 2. Staff Report (Anjali Naini) – on file
 - 3. Planning and Zoning Commission Report - Mim James Planning and Zoning commission Chair

provided report and requested approval

4. Public Hearing – Mrs. Elizabeth Mooney testified in opposition to this ordinance. Mr. Jarret Mooney also testified in opposition.
5. Ordinance No. 1220.127

Mayor Pro Tem Bill Foulds motioned to deny. Council Member Santos Alba seconds. Vote: 2-2. Mayor Todd Purcell breaks the tied vote. Final Vote 2-3 for denial of this motion.

Mayor Pro Tem Bill Foulds express his concern and requests more information about the track being discussed. After furthered discussion with city council members, staff and from public testimony, Mayor Todd Purcell asked for motion to pass this ordinance but will not sign until city staff provide more clarification.

Mayor Pro Tem Bill Foulds motions to approve this ordinance. City Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.

- C. Ordinance No. 1220.128: An Ordinance of the City of Dripping Springs rezoning of one tract at 205 Creek Road, totaling approximately 1.69 acres, from Two-Family Residential, Duplex (SF-4) to Local Retail (LR). *Applicant: Jon Thompson*

1. Presentation – Jon Thompson presented and gave overview
2. Staff Report (Anjali Naini)- on flile
3. Planning and Zoning Commission Report- Mim James Planning and Zoning commission Chair provided report and requested approval
4. Public Hearing - Mrs. Elizabeth Mooney testified in opposition to this ordinance. Mr. Jarret Mooney also testified in opposition.
5. Ordinance 1220.128

Council Member Bill Foulds motions to table this item. Council Member Santos Alba seconds. VOTE: 4-0 in favor, motion passes.

- D. Ordinance No. 1220.129: An Ordinance of the City of Dripping Springs rezoning one tract at 209 Creek Road, totaling approximately 5.19 acres, from Two-Family Residential, Duplex (SF-4) to Local Retail (LR). *Applicant: Jon Thompson*

1. Presentation- Jon Thompson presented and gave overview
2. Staff Report (Anjali Naini) – on file
3. Planning and Zoning Commission Report - Mim James Planning and Zoning commission Chair provided report and requested approval
4. Public Hearing – Opposition by residents: Mrs. Elizabeth Mooney and Mr. Jarret Mooney.
5. Ordinance 1220.129

Council Member Wade King motions to table Ordinance No. 1220.129. Council Member Bill Foulds seconds. VOTE: 4-0 in favor of tabling this item for the next City Council meeting.

X. PARKLAND DEDICATION

Consideration and possible action on:

A. Headwaters Parkland Dedication and Master Parks and Open Space Plan

1. Presentation by Matt Matthews
2. Staff Report (Brent Luck)- on file
3. Parks and Recreation Commission Report - Mim James Planning and Zoning commission Chair provided report and requested approval with staff recommendations
4. Planning and Zoning Commission Report - Mim James Planning and Zoning commission Chair provided report and requested approval with staff recommendations
5. Public Hearing - None
6. Parkland Dedication and Master Parks and Open Space Plan

Council Member Bill Foulds motions to approve staff recommendations. Council Member Santos Alba seconds. VOTE: 4-0 in favor, motion passes.

XI. SIGNS

Consideration and Possible Action:

A. Ledgestone Senior Living Sign Variance Requests, located at 13150 Four Star Blvd., *Jon Thompson, Owner's Representative*

1. Presentation – Jon Thompson presented and gave overview
2. Staff Report (Michelle Fischer) – on file
3. Planning and Zoning Commission Report - Mim James Planning and Zoning commission Chair provided report and requested approval with staff recommendations
4. Public Hearing - None
5. Variance Request to Allow Off Premise Sign #5 at intersection of Four Star Boulevard and US Highway 290
6. Variance Request to Allow Ledgestone Senior Living Community Monument Sign #2 to be Installed in Right Of Way of Four Star Boulevard

Council Member Charles Busbey motions to approve with staff recommendations. Council Member Bill Foulds seconds. VOTE: 4-0 in favor, motion passes.

XII. SUBDIVISIONS

Consideration and Possible Action On:

A. Burba Tract Concept Plan (Proposed 100 Acre Subdivision) located in the Extraterritorial Jurisdiction along Sawyer Ranch Road near the entrance to HighPointe Subdivision, *John Clark, LJA Engineering*

1. Presentation – John Clark presented and gave overview
2. Staff Report (Rick Coneway) – on file
3. Planning and Zoning Commission Report - Mim James Planning and Zoning commission Chair provided report and requested approval with staff recommendations
4. Concept Plan – on file

Council Member Charles Busbey motions to approve staff recommendations. Council Member Santos Alba seconds. VOTE: 4-0 in favor, motion passes.

XIII. UTILITIES AND PUBLIC WORKS

Consideration and Possible Action On:

- A. Ordinance No. 1770.02: An Ordinance of the City of Dripping Springs Enacting Article 22.06 of the Dripping Springs Code of Ordinances; Establishing Regulations for Water Reuse; Seeking to Reduce the Consumption of Water, Reduce the Loss or Waste of Water, Improve the Efficiency in the Use of Water, and Increase the Recycling and Reuse of Water; Providing for the Following: Rules; Standards; Procedures; Criminal Penalties Including Criminal Fines Not to Exceed \$2,000 and Civil Fines of Up to \$1,000; and Severability

1. Public Hearing - None
2. Ordinance No. 1770.02

Council Member Santos Alba motions to approve. Council Member Bill Foulds seconds.
VOTE: 4-0 in favor, motion passes.

- B. Reclaimed Water Agreement between the City of Dripping Springs and Maile's Development Company for the Driftwood Development Located at the Intersection of Farm-To-Market 1826 and Farm-To-Market 967

Council Member Bill Foulds motions to approve. Council Member Charles seconds. VOTE: 4-0 in favor, motion passes.

XIV. BUSINESS

Consideration and Possible Action On:

- A. Resolution No. 2017-07: A Resolution of the City of Dripping Springs Approving a Preliminary Project Plan and Financing Plan for Reinvestment Zone Number 1, Town Center TIRZ, and Calling for a Public Hearing on Creation of TIRZ Number One

1. TIRZ Timeline
2. Resolution No. 2017-03 Approving Plan
3. Preliminary Project and Financing Plan
4. Town Center TIRZ Project Map
5. TIRZ Map

Council Member Bill Foulds motions to approve. Council Member Charles Busbey seconds.
VOTE: 4-0 in favor, motion passes.

- B. Resolution No. 2017-06: A Resolution of the City of Dripping Springs Approving a Preliminary Project Plan and Financing Plan for Reinvestment Zone Number 2, Arrowhead TIRZ, and Calling a Public Hearing on Creation of TIRZ Number 2

1. TIRZ Timeline
2. Resolution No. 2017-06 Approving Plan
3. Preliminary Project and Financing Plan
4. Arrowhead TIRZ and Project Map

Council Member Santos Alba motions to approve. Council Member Bill Foulds seconds.
VOTE: 4-0 in favor, motion passes.

- C. Consider and take possible action on job description updates for Maintenance Director (part-time),

Maintenance Worker (part-time), and Development Coordinator, and creation of job description for Planning Assistant. Direct staff to take appropriate action.

1. Maintenance Director (part-time)
2. Maintenance Worker (part-time)
3. Development Coordinator
4. Planning Assistant

Council Member Wade King motions to approve all jobs listed under this agenda, with the additions of making position #2 Full Time employment, and with the stipulation that Mayor Todd Purcell will hire all listed positions. Council Member Santos Alba seconds. VOTE: 4-0 in favor, motion passes.

- D. Discuss and take possible action with Mara Caldwell to initiate the potential purchase of all or a portion of real property at 740 Sports Park Road, Dripping Springs, Texas. Direct staff to take appropriate action regarding possible real property purchase.

Mayor Todd Purcell moved to discuss this agenda item in Executive Session.

- E. Discussion and Direction to City Staff on the following Executive Session items:

1. Deliberation regarding Personnel Matters related to job descriptions, compensation, benefits and hiring of part-time Maintenance Director, part-time Maintenance Worker, Development Coordinator, and Planning Assistant. (551.074 Personnel Matters) – No action taken
2. 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) - No action taken
3. 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) – No action taken

Talley Williams with Metcalfe Wolff Stuart & Williams, LLP provided public testimony regarding this agenda item and stated that will provide analysis to City of Dripping Springs Financial Advisor Andre Ayala by the following week. Talley Williams will return to the next City Council meeting with recommendations.

4. Consultation with City Attorney on Legal Issues Related to Potential Tax Increment Reinvestment Zones (TIRZs) Project and Future Development Related to a TIRZ or TIRZs (551.071 Consultation with City Attorney) - No action taken
5. 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) - No action taken
6. Consultation with City Attorney regarding the Development Agreement for Roadway Facilities between the City of Dripping Springs and Mickey Davidson Kroll and Jim Karhan to facilitate the North Extension of Roger Hanks Parkway (551.071 Consultation with City Attorney) - No

action taken

XV. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Farmers Market Manager's Monthly Report
- B. Dripping Springs Ranch Park Monthly Report

XVI. ANNOUNCEMENTS

- A. Regular City Council Meeting, November 15, 2016 at 6:00 p.m.
- B. Regular Emergency Management Commission Meeting, November 17, 2016 at 5:00 p.m.
- C. Regular Economic Development Committee Meeting, November 23, 2016 at 4:00 p.m.
- D. Regular Transportation Committee Meeting, November 28, 2016 at 3:30 p.m.
- E. Regular Planning & Zoning Commission Meeting, November 29, 2016 at 7:00 p.m.

XVII. ADJOURN

Council Member Charles Busbey motions to adjourn the meeting. Council Member Bill Foulds seconds. VOTE: 4-0 in favor, motion passes. Meeting adjourns at 9:09 P.M.