

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, October 11, 2016, beginning at 5:30 PM at 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
Director of Public Works and Development Rick Coneway
City Secretary Kerri Craig
Planning and Zoning Commission Chair Mim James
City Attorney Alan Bojorquez
City Treasurer Gina Gillis
DS Ranch Park Manager Lynne Dickinson

Mayor Pro Tem Bill Foulds calls the meeting to order at 5:35pm. All present except Mayor Todd Purcell, Council Member Santos Alba, and Council Member John Kroll. Also present are Assistant City Attorney Laura Mueller and Planning Consultant Anjali Naini.

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.

A. Presentation on Proposal and Scope of Services from Simple City Design related to the Creation of Tax Increment Reinvestment Zone(s), *Matt Lewis, Simple City Design*

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. Consultation with City Attorney Regarding Legal Requirements and Procedures for the Potential Creation of Certain Special Districts to Finance Improvements Benefiting the Heritage Subdivision and the Wildwood (aka Scenic Greens) Subdivision (*551.071 Consultation with City Attorney*)

B. Consultation with City Attorney on Legal Issues Related to Potential Tax Increment Reinvestment Zone (TIRZ) Project and Future Development Related to a TIRZ or TIRZs (*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. Consultation with City Attorney Regarding the Temporary Wastewater Pump and Haul for the Arrowhead Ranch Subdivision Consistent with the Terms and Conditions Found in the Second Amendment and Restated Wastewater Utility Agreement between the City of Dripping Springs and Forestar (USA) Real Estate Group, Inc. (551.071 Consultation with City Attorney)
- E. Consultation with City Attorney Regarding Legal Issues Related to Westwood Public Improvement District (551.071 Consultation with City Attorney)

Convened to executive session at 6:10pm. Present: Mayor Pro Tem Bill Foulds, Council Member Charles Busbey, Council Member Wade King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Director of Public Works and Development Rick Coneway, Assistant City Attorney Laura Mueller, Planning Consultant Anjali Naini, Planning and Zoning Commission Chair Mim James, Code Enforcement Manager Kyle Dannhaus, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 7:05pm.

Convened to executive session at 8:37pm. Present: Mayor Pro Tem Bill Foulds, Council Member Charles Busbey, Council Member Wade King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Director of Public Works and Development Rick Coneway, Assistant City Attorney Laura Mueller, Planning Consultant Anjali Naini, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 8:55pm.

IV. RECESS

V. RECONVENE AT 7:15 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. – John Pacheco from the Dripping Springs Century News states that they would appreciate continuing their role as the Official Newspaper of Dripping Springs. Dalton Sweat from the Dripping Springs Century News also states they have enjoyed working with the City staff and really want to continue our relationship with the City. Cindy Slovak-Barton from NewsDispatch states they enjoy working with the City staff and would really appreciate being considered for the Official Newspaper for the City.

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, September 20, 2016
- B. Approval of Treasurer's Report for September 2016

- C. Approval of Proposal and Acceptance of Engagement Letter from the Accounting Firm of Donald A. Allman, CPA, PC for Fiscal Year 2016 Audit (*Sponsor: Council Member Charles Busbey*)
- D. Approval of Resolution No. 2017-01: A Resolution of the City of Dripping Springs Designating an Official Newspaper for Fiscal Year 2017
- E. Approval of Resolution No. 2017-02: A Resolution of the City of Dripping Springs Adopting the City's Investment Policy for Fiscal Year 2017
- F. Approval of Christmas on Mercer Facilities Use Agreement between the City of Dripping Springs and the Dripping Springs Lions Club
- G. Approval of Authorization for the Mayor or Mayor Pro Tem to sign the construction contract between the City and M&C Fonseca Construction Inc, in the amount of \$407,578.50 in connection with the with the North Forty/Community Development Block Grant Water Project 7215129 (*Sponsor: Mayor Todd Purcell*)
- H. Approval of the 2017 Meeting Schedule for City Council and Commissions and Approval of 2017 City Hall Holiday Schedule
- I. Approval of Request for Reduction of Professional Services Fees for Zamora Estates Subdivision, Minor Plat, *Robbie Zamora, Applicant*
- J. Approval of Co-Sponsorship Application for The SHOW at Dripping Springs Ranch Park Event Center on October 22 & 23, 2016 and Approval of the Co-Sponsorship Agreement between the City of Dripping Springs and The Artists Alliance of the Hill Country for The Show (*Sponsor: Mayor Pro Tem Bill Foulds*)
- K. Resolution No. 2017-04: A Resolution of the City of Dripping Springs Accepting Construction and a Maintenance Bond for Headwaters at Barton Creek Subdivision, Phase I Improvements - Roadway Improvements.
- L. Approval of Proclamation Declaring October 17 - 21, 2016 as "Chamber of Commerce Week"
- M. Approval of Proclamation Declaring October 11, 2016 "The Cowboy Church of the Hill Country and Cowboys for Christ Day" in Dripping Springs.

Council Member Charles Busbey motions to approve all consent items. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes. Council Member Charles Busbey reads aloud consent item L. Council Member Wade King reads aloud consent item M.

IX. ZONING

Consideration and Possible Action On:

- A. Presentation on the Concept Plan for Headwaters Commercial, *Blake Rue, Oryx Holdings, LLC, Applicant (no action to be taken)* – Oryx Holdings provides a presentation. No action taken.
- B. Ordinance No. 1220.126: An Ordinance of the City of Dripping Springs, Texas, Rezoning One Tract Approximately 0.754 Acres, located at 750 Old Fitzhugh Road, From Single-Family Residential (SF-1) to Local Retail (LR); and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Effective Date; Authorizing the City Administrator to Note the Change on the Official Zoning Map of the City; Proper Notice & Meeting, *Glen Weichert, Applicant*
 - 1. Presentation – Jon Thompson, Applicant's representative.
 - 2. Staff Report (Anjali Naini) – Consultant Anjali Naini, report on file. Staff recommends approval of Ordinance 1220.126.

3. Planning & Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve Ordinance 1220.126 according to staff’s recommendation.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.126 - Council Member Charles Busbey motions to approve Ordinance 1220.126 according to staff and Commission recommendations. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.

X. SIGNS

Consideration and Possible Action On:

- A. Ordinance No. 1251.04: Belterra Commercial Master Sign Plan Ordinance: An Ordinance Enacting Chapter 26, Appendix "D", Of The Dripping Springs Code Of Ordinances; Establishing Regulations For A Master Sign Plan For Belterra Commercial; Providing For The Following: Rules; Standards; Procedures; And Findings Of Fact; Codification; Repealer; Severability; Proper Notice And Meeting; Enforcement Including Criminal Penalties, *Crescent Belterra TX, LLC, and Endeavor, Applicants*
 1. Presentation - None
 2. Sign Administrator's Report (Michelle Fischer) - City Administrator Michelle Fischer, report on file. Staff recommends approval of Ordinance 1251.04.
 3. Planning & Zoning Commission Report - Commission Chair Mim James states that the Commission voted to approve Ordinance 1251.04 according to staff’s recommendation.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1251.04 - Council Member Wade King motions to approve Ordinance 1251.04 according to staff and Commission recommendations. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.
- B. Sign Variance Requests for Parade of Homes Special Event Signs, *Home Builders Association of Greater Austin, Applicant*
 1. Presentation – Shermaine Crawford
 2. Sign Administrator's Report (Michelle Fischer) - City Administrator Michelle Fischer, report on file. Staff recommends approval of both variance requests.
 3. Planning & Zoning Commission Report - Commission Chair Mim James states that the Commission voted to approve both variance requests according to staff’s recommendation.
 4. Public Hearing – No one speaks.
 5. Variance to Allow Off Premise Special Event Signs and Directional Signs
 6. Variance to Exceed Maximum Number of Special Event Signs Allowed - Council Member Charles Busbey motions to approve both variance requests according to staff and Commission recommendations. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.

XI. PARKS AND RECREATION

Consideration and Possible Action On:

- A. Discuss and Take Possible Action on Agreement with Dripping Springs Mountain Bike Club for Trail Improvements at Dripping Springs Ranch Park. Direct City Staff to take Appropriate Action. (*Sponsor: Councilman Wade King*)

1. Staff Report (Lynne Dickinson) – DSRP Manager Lynne Dickinson, report on file. Staff recommends approval and authorization to take appropriate action.
 2. Joint Use Agreement - Council Member Wade King motions to approve the agreement according to staff's recommendation. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.
- B. Discuss and take possible action on Co-Sponsorship Application from Dripping Springs Mountain Bike Club for "Kid's Ride Day" at Dripping Springs Ranch Park on November 6, 2016 (Sunday). Direct City Staff to take Appropriate Action.
1. Staff Report (Lynne Dickinson) - DSRP Manager Lynne Dickinson, report on file. Staff recommends approval of the application and requests approval to prepare the agreement.
 2. Co-Sponsorship Application - Council Member Wade King motions to approve the application and directs staff to prepare the agreement for City Council approval. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.
- C. Discuss and Provide Direction to City Staff Regarding Repairs to and Restoration of the Little Barton Creek Dam at Dripping Springs Ranch Park
1. Staff Report (Rick Coneway) – Director Rick Coneway, report on file. Staff recommends City Council choose a course of action for restoration and repair of the dam, and to authorize staff to proceed with procurement of a qualified dam consultant to prepare engineered construction plans and bid documents for dam restoration, authorize staff to secure bids based on bid documents, and authorize the Mayor to sign the related contracts.
 2. Potential Funding Sources – Council directs staff to prepare documents supporting Option 2 to repair and restore the dam and to bring it back to Council on October 18th.

XII. UTILITIES AND PUBLIC WORKS

Consideration and Possible Action On:

- A. Report on Proposal for Wallace Street / RM 12 Intersection Improvements – Director Rick Coneway, report on file. No action taken.
- B. Report on Proposed Federal Emergency Management Agency Flood Insurance Rate Map Changes – Director Rick Coneway, report on file. No action taken.

XIII. BUSINESS

Consideration and Possible Action On:

- A. Resolution No. 2016-05: A Resolution of the City of Dripping Spring Approving a Comprehensive Plan and Implementation Guide for the City Limits and Extraterritorial Jurisdiction
 1. Presentation, *Chris Holtkamp*
 2. Planning & Zoning Commission Report
 3. Public Hearing – No one speaks
 4. Comprehensive Plan
 5. Implementation Guide
 6. Future Land Use Plan

7. Resolution No. 2016-05 – Mayor Pro Tem Bill Foulds motions to postpone this item until a future City Council meeting. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.

B. Petition Requesting Annexation for inclusion of the following property into the City of Dripping Springs Corporate City Limits: 5.127 Acres, Lot 1 Resubdivision of Lots 41, 43, 44 & 45 (200 East Creek Drive), 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. *Sherrie L. Parks, Preston P. Parks, Shelby Parks, Petitioners.*

1. Staff Report (Anjali Naini) – Consultant Anjali Naini, report on file. Staff recommends acceptance of the petition.

2. Public Hearing – No one speaks.

3. Acceptance of Petition - Council Member Charles Busbey motions to accept the petition. Council Member Wade King seconds. VOTE: 3-0 in favor, motion passes.

C. Direction to City Staff on the following Executive Session items:

1. Consultation with City Attorney on Legal Issues Related to Potential Tax Increment Reinvestment Zone (TIRZ) Project and Future Development Related to a TIRZ or TIRZs (551.071 Consultation with City Attorney). – Mayor Pro Tem Bill Foulds states that Council would like staff to continue to pursue this option but to also consider multiple TIRZs instead of just one large TIRZ. No action taken.

2. 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.

XIV. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

A. Farmers Market Manager's Monthly Report

B. Dripping Springs Ranch Park Monthly Report

C. Transportation Committee Monthly Report

D. Economic Development Committee Monthly Report

XV. ANNOUNCEMENTS

A. Regular City Council Meeting, October 18, 2016 at 6:00 p.m.

B. Regular Emergency Management Commission Meeting, October 20, 2016 at 5:00 p.m.

C. Regular Transportation Committee Meeting, October 24, 2016 at 3:30 p.m.

D. Regular Founders Day Commission Meeting, October 24, 2016 at 6:30 p.m.

E. Regular Planning & Zoning Commission Meeting, October 25, 2016 at 7:00 p.m.

F. Regular Economic Development Committee Meeting, October 26, 2016 at 4:00 p.m.

XVI. 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 8:58pm.