

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, September 20, 2016, beginning at 6:00 PM at 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
Director of Public Works and Development Rick Coneway
City Secretary Kerri Craig

Mayor Pro Tem Bill Foulds calls the meeting to order at 6:10pm. All present except Mayor Todd Purcell and Director of Public Works and Development Rick Coneway. Also present are City Treasurer Gina Gillis, Deputy City Administrator Ginger Faught, City Attorney Alan Bojorquez, Financial Advisor Andre Ayala, Planning and Zoning Commission Chair Mim James, Planning Consultant Anjali Naini, Code Enforcement Manager Kyle Dannhaus, Assistant City Attorney Laura Mueller, and Special Counsel Dottie Palumbo.

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 Special Permit for Amateur Wireless Transmission Facility, Amateur Radio Tower, Located at 401 Springwood Drive (551.071 Consultation with City Attorney)
- B. Deliberation regarding Personnel Matters related to salaries, benefits, and compensation of the Development Coordinator (551.074 Personnel Matters)
- C. Consultation with City Attorney Regarding Legal Requirements and Procedures for the Potential Creation of Certain Special Districts to Finance Improvements Benefiting the Heritage Subdivision (551.071 Consultation with City Attorney)
- D. 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)
- 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 between the City and Glenn T. Goode and Anne Davison, including certain acreage from the Edward Brown Survey No 136 and George W. Lindsay Survey No 138, Hays County, Texas (551.071 Consultation with City Attorney)
- G. 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 7:40pm. Present: Mayor Pro Tem Bill Foulds, Council Member Santos Alba, Council Member Charles Busbey, Council Member Wade King, Council Member John Kroll, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Assistant City Attorney Laura Mueller, Financial Advisor Andre Ayala, Planning and Zoning Commission Chair Mim James, Planning Consultant Anjali Naini, Code Enforcement Manager Kyle Dannhaus, Special Counsel Dottie Palumbo, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 8:46pm.

Convened to executive session at 9:37pm. Present: 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, Assistant City Attorney Laura Mueller, Financial Advisor Andre Ayala, Planning and Zoning Commission Chair Mim James, Planning Consultant Anjali Naini, Code Enforcement Manager Kyle Dannhaus, Special Counsel Dottie Palumbo, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 10:23pm.

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.

Susan Cooke – States her concern about the lack of citizen participation in City Council meetings and her opposition to the potential wastewater discharge issues.

Missy Atwood – Board Member of the Dripping Springs Community Library District speaks in regards to her support of the Tax Increment Reinvestment Zone being considered by the city, and requests that the DS Community Library be involved or kept informed regarding the TIRZ due to it's potential impact on them.

John Hoag – President of the Friends of the DS Library speaks in support of the library and the board.

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.

- A. Approval of Regular Meeting Minutes, September 13, 2016
- B. Approval of Temporary Street Closure Request from The Dripping Springs Running Club to close portions of Roger Hanks Parkway and Creek Road on Sunday, November 13, 2016, from 6:30 am to 11:00 am to facilitate the Run by the Creek 5/10 K and Approval of Request for Waiver of the Street Closure Application Fee
- C. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and The Dripping Springs Running Club for the Run by the Creek 5/10 K to be held on Sunday, November 13, 2016
- D. Approval of Amended Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce for Job Fairs on May 24 and October 4, 2016
- E. Approval of License Agreement between the City of Dripping Springs and Headwaters Residential Master Community, Inc.
- F. Approval of Agreement between the City of Dripping Springs and Myers Concrete Construction, LP for Pedestrian Light Pole Repair
- G. Approval of Proclamation Declaring September 20, 2016 as "Leadership Dripping Springs Day" (*Sponsor: Council Member Charles Busbey*)
- H. Approval of Proclamation Declaring the Month of October 2016 as "National Domestic Violence Awareness Month"
- I. Approval of Proclamation Honoring Marianne Simmons for her service as Chair of the Dripping Springs Farmers Market Association Board

Mayor Pro Tem Bill Foulds motions to approve consent items A through F. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes. Council Member Charles Busbey reads aloud consent item G. Council Member John Kroll reads aloud consent item H. Deputy City Administrator Ginger Faught reads aloud consent item I. Mayor Pro Tem Bill Foulds motions to approve consent items G through I. Council Member Charles Busbey seconds VOTE: 5-0 in favor, motion passes.

VI. SITE DEVELOPMENT

Consideration and Possible Action On:

- A. Variance Request Waiving Landscape Plan Requirement for Site Development Plan and Waiver of Variance Request Fees for Miss Scarlett's Family Attic Located at 28101 RR 12
 - 1. Presentation - None
 - 2. Staff Report (Kyle Dannhaus) – Senior Administrative Assistant Lali Rambeau and Code Enforcement Manager Kyle Dannhaus, report on file. Staff recommends approval of the variance request and waiver of fees.
 - 3. Variance Request for Waiver of Landscape Plan Requirement – Pam Owens, Chamber of Commerce, states her support for these community members and the business. Christine Ann from Goodie Two Shoes states her support for this business and the owners. Keenan Smith states his support for this business and the owners.
 - 4. Waiver of Variance Request Fees - Council Member John Kroll motions to approve the variance request for waiver of the landscape plan requirement. Council Member Santos

Alba seconds. VOTE: 5-0 in favor, motion passes. Council Member John Kroll motions to approve the waiver of variance request fees. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

VII. ZONING

Consideration and Possible Action On:

- A. Request for Special Permit for Amateur Wireless Transmission Facility, Amateur Radio Tower, Located at 401 Springwood Drive, *William Saulnier, Applicant*
 - 1. Presentation - Fred Hopengarten, Esq., applicant's representative.
 - 2. Staff Report (Rick Coneway) – Director Rick Coneway, report on file. Staff recommends approval of the special permit with the suggested condition of approval to consider is to accept applicant's offer: If applicant should no longer reside at the property, assuming no other person residing there wishes to continue using the structure, he will remove the amateur radio tower.
 - 3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the special permit.
 - 4. Public Hearing – Doug Phillip presents a petition stating members of the Springwood neighborhood stating their opposition to this request; Beth Woodward states her opposition to this request, Mac McCullough states his support of the radio tower.
 - 5. Special Permit for Amateur Wireless Facility and Radio Tower - Council Member Wade King motions to approve the special permit with staff and Commission recommendations. Council Member John Kroll seconds. VOTE: 4-1 in favor, Council Member Santos Alba votes Nay, motion passes.

VIII. PARKS AND RECREATION

Consideration and Possible Action On:

- A. One Year Extension of Interlocal Agreement between the City of Dripping Springs and the Dripping Springs Independent School District for Founders Memorial Park Swimming Pool and Pavilion (*Sponsor: Council Member Wade King*)
 - 1. Staff Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval and supports the recommendation of the Parks and Recreation Commission.
 - 2. Parks & Recreation Commission Report – The Commission voted to approve the extension of the agreement if the payment on 2/1 is changed to 20% and the payment on 4/1 is changed to 50%
 - 3. Interlocal Agreement - Council Member Charles Busbey motions to approve according to staff and the Commission's recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- B. Discuss and Provide Direction to City Staff Regarding Repairs to and Restoration of the Little Barton Creek Dam at Dripping Springs Ranch Park – Dripping Springs Ranch Park Manager Lynne Dickinson provides an update on this item. Mayor Pro Tem Bill Foulds opens this item up to a public hearing: *Evan Taddia, representing the Dripping Springs Lions Club, states his support for repairing and restoring the Little Barton Creek Dam. Ken Nicholas states his support for repairing and restoring the Little Barton Creek Dam and suggests asking experts to evaluate the benefits of the dam and the surrounding wetlands. Pam Owens, Chamber of Commerce, states her support for repairing and restoring the Little Barton Creek Dam and*

emphasizes the importance of this water feature in relation to tourism. Marianne Simmons states her support for repairing and restoring the Little Barton Creek Dam. Marc Kennedy, a representative of Grant Thornton LLP, is available for questions and presents the available options regarding the Little Barton Creek Dam. Mayor Pro Tem Bill Foulds states this item will be discussed during Executive Session, with action possibly being taken afterwards. After discussing this item in Executive Session, no action was taken.

C. Equipment Placement Agreement between the City of Dripping Springs and Coca-Cola Refreshments for Dripping Springs Ranch Park

1. Staff Report (Lynne Dickinson) – DSRP Manager Lynne Dickinson, report on file. Staff recommends approval of the agreement. Corey Portman from Coca-Cola Refreshments is available for questions. Mayor Pro Tem Bill Foulds states this item will be discussed during Executive Session, with action possibly being taken afterwards.
2. Equipment Placement Agreement and Correspondence – After discussing this item in Executive Session, no action was taken.

D. Use Agreement between the City of Dripping Springs and the Dripping Springs Ag Boosters for Dripping Springs Ranch Park Event Center and Other Park Amenities

1. Staff Report (Lynne Dickinson) – DSRP Manager Lynne Dickinson, report on file. Staff recommends approval of this agreement.
2. Use Agreement - Council Member John Kroll motions to approve the agreement. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

IX. UTILITIES AND PUBLIC WORKS

Consideration and Possible Action On:

A. Request from Property Owner Reba Byrd for Refund of Deposits for Phase III Wastewater Service for Property known as the Benny Subdivision (*Sponsor: Mayor Pro Tem Bill Foulds*)

1. Staff Report (Ginger Faught) – Deputy City Administrator Ginger Faught, report on file. Staff recommends approval of the request for refund of deposits.
2. Request for Release and Refund - Council Member John Kroll motions to approve the request for release and refund. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

B. Receive Bid Tabulation and Recommendation Report from Project Engineer and/or Dripping Springs Water Supply Corporation General Manager Regarding the North Forty/Community Development Block Grant Water Project 7215129 (*Sponsor: Mayor Todd Purcell*) – Deputy City Administrator Ginger Faught provides a report. Joel Wilkinson, Neptune-Wilkinson Project Engineer, provides a report. Greg Perrin, DSWSC General Manager, states his appreciation for the City's support of this much needed project. Gandolf Burrus, Grant Development Services, explains that the Dripping Springs Water Supply Corporation cannot apply directly for this grant. Mayor Pro Tem Bill Foulds motions to approve the grant work in the North Forty Subdivision and to award the contract to M&C Fonseca Construction Company. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

C. Consider and Possibly Take Action on Award of Construction Contract in Connection with the North Forty/Community Development Block Grant Water Project 7215129 (*Sponsor: Mayor Todd Purcell*)

1. Staff Report (Ginger Faught) - Deputy City Administrator Ginger Faught provides a report. Staff recommends approval of the contract.
2. Construction Contract – Mayor Pro Tem Bill Foulds motions to approve the grant work in the North Forty Subdivision and to award the contract to M&C Fonseca Construction Company. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

D. Gas Line Easement for Texas Gas Service at Founders Memorial Park

1. Staff Report (Rick Coneway) – Assistant City Attorney Laura Mueller provides a report. Staff recommends approval.
2. Gas Line Easement - Council Member Charles Busbey motions to approve the easement and resolution. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.

X. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1110.14: An Ordinance of the City Council of the City of Dripping Springs, Texas, Setting and Approving the 2016-2017 Ad Valorem Tax Rate and Levy of Seventeen Hundredths Cents (\$0.1700) Per One Hundred Dollars (\$100.00) of Assessed Valuation of All Taxable Property Within the Corporate Limits of the City; Providing for Penalties and Interest, and Providing for the following: Findings of Fact; Severability; Savings Clause; and Publication. - Council Member John Kroll motions to approve Ordinance 1110.14 and that the property tax rate be increased by the adoption of a tax rate of seventeen hundredths cents per one hundred dollars of assessed value, which is effectively a 6.65% increase in the tax rate. Council Member Santos Alba seconds. Upon a roll call vote of the motion, the following votes were recorded: Mayor Pro Tem Bill Foulds: Aye, Council Member Santos Alba: Aye, Council Member Charles Busbey: Nay, Council Member Wade King: Aye, Council Member John Kroll: Aye. VOTE: 4-1 in favor of approval, motion passes.
- B. Petition Requesting Annexation for inclusion of the following property into the City of Dripping Springs Corporate City Limits: 182 Acres (Within the Bell Springs Subdivision) out of the B. F. Hanna Survey No. 28 Abstract No. 222, Being a Portion of the Tract of the B.F. Hanna Survey No. 28, Abstract No. 222 of record in the Official Public Records of Hays County, Texas, including certain parcels west of Bell Springs Road, North of U.S. Highway 290 and including portions of the Bell Springs Subdivision, the Springs Subdivision, and Spring Lane, *Stephanie Needham, Minnie Needham, Erin Needham, Enoch Needham, and J. Steve Ford, 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 John Kroll motions to accept the petition. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- C. Resolution 2016-47: A Resolution of the City of Dripping Springs Calling Public Hearings for a Petition Requesting Annexation for Inclusion of the Following Property Into the City of Dripping Springs Corporate City Limits: 182 Acres (Within the Bell Springs Subdivision) out of the B. F. Hanna Survey No. 28 Abstract No. 222, Being a Portion of the Tract of the B.F. Hanna Survey No. 28, Abstract No. 222 of record in the Official Public Records of Hays County, Texas, including certain parcels west of Bell Springs Road, North of U.S. Highway 290 and including portions of the Bell Springs Subdivision, the Springs Subdivision, and

Spring Lane, Stephanie Needham, Minnie Needham, Erin Needham, Enoch Needham, and J. Steve Ford, Petitioners. - Council Member John Kroll motions to approve Resolution 2016-47. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

Council Member Wade King leaves the meeting at 7:36pm.

D. Resolution No: 2016-46: A Resolution of the City of Dripping Springs Adopting Personnel Manual Amendments Related to Training and Probationary Periods. (*Sponsor: Council Member Charles Busbey*)

1. Staff Report (Laura Mueller, Assistant City Attorney) – Assistant City Attorney Laura Mueller provides the report.
2. Resolution No. 2016-46 - Council Member Santos Alba motions to approve Resolution 2016-46. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.

E. Employee Training Reimbursement Agreement Form. Authorize staff to take appropriate action. (*Sponsor: Council Member Charles Busbey*) – Assistant City Attorney Laura Mueller provides a report. Council Member Charles Busbey motions to approve the use of the agreement form. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes.

Council Member Wade King returns to the meeting at 7:39pm.

F. Website Hosting Agreement between the City of Dripping Springs and ezTask.com, Inc.

1. Staff Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of the agreement.
2. Web Hosting Agreement - Council Member John Kroll motions to approve the agreement according to staff's recommendation. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

Council Member John Kroll leaves the meeting at 9:36pm.

G. Proposed Special District financing for the Heritage Subdivision, Consisting of Approximately 189 Acres, Generally Bounded by Ranch Road 12 Near the Northeast Perimeter of the Property; Old Fitzhugh Road Near the Eastern Perimeter; Walnut Springs Elementary School in the Southwestern Corner; Dripping Springs Youth Sports Association Fields Near the Southwest Perimeter; Dripping Springs High School Along the Western Perimeter; and in Close Proximity to Springlake Drive at the Northern Perimeter. Applicant SLF IV-Dripping Springs JV, LP. and Bob White Investments. – City Council and the applicant discuss this project in detail. No action taken.

XI. ANNOUNCEMENTS

- A. Regular Transportation Committee Meeting, September 26, 2016 at 3:30pm
- B. Regular Planning and Zoning Commission Meeting, September 27, 2016 at 7:00pm
- C. Regular Economic Development Committee Meeting, September 28, 2016 at 4:00pm
- D. Regular Historic Preservation Commission Meeting, October 3, 2016 at 5:30pm
- E. Regular Farmers Market Association Board Meeting, October 11, 2016 at 10:00am
- F. Regular City Council Meeting, October 11, 2016 at 7:00pm

XII. **ADJOURN** - Council Member Santos Alba motions to adjourn the meeting. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes. Meeting adjourns at 11:06pm.