

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, September 13, 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

Planning Consultant Anjali Naini

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 Todd Purcell calls the meeting to order at 5:37pm. All present except Council Member Santos Alba. Also present are Special Counsel Dottie Palumbo, Assistant City Attorney Laura Mueller, Code Enforcement Manager Kyle Dannhaus, Special Counsel David Tuckfield, Special Counsel Andy Barrett, 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. Proposed Fiscal Year 2017 Budget

1. Review and Discuss Proposed FY 2017 Budget
2. Review and Discuss Budget Requests

B. Consider and Receive a Presentation by Applicant on Proposed Heritage

Subdivision Municipal Utility District, 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. *SLF IV-Dripping Springs JV, L.P. and Bob White Investments, LP, Applicant.*

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 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 specific employees: City Administrator, Deputy City Administrator, City Secretary, Director of Public Works and Development, Code Enforcement Manager, Development Coordinator, Municipal Court Clerk/Utilities Coordinator, Receptionist, Communications Coordinator, Senior Administrative Assistant, Administrative Assistants, City Treasurer, Accounting Clerk, Maintenance Director, Dripping Springs Ranch Park Manager, Dripping Springs Ranch Park Maintenance Workers, Emergency Planning Coordinator, and Park Maintenance Worker (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*) - Convened to executive session at 7:56pm. Present: Mayor Todd Purcell, Mayor Pro Tem Bill Foulds, Council Member Charles Busbey, Council Member Wade King, Council Member John Kroll, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Director of Public Works and Development Rick Coneway, Code Enforcement Manager Kyle Dannhaus, Planning Consultant Anjali Naini, Special Counsel David Tuckfield, Special Counsel Andy Barrett, Planning and Zoning Commission Chair Mim James, Special Counsel Dottie Palumbo, Assistant City Attorney Laura Mueller, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 8:04pm.

Convened to executive session at 8:12pm. Present: Mayor Todd Purcell, Mayor Pro Tem Bill Foulds, Council Member Charles Busbey, Council Member Wade King, Council Member John Kroll, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Director of Public Works and Development Rick Coneway, Code Enforcement Manager Kyle Dannhaus, Planning Consultant Anjali Naini, Special Counsel David Tuckfield, Special Counsel Andy Barrett, Planning and Zoning Commission Chair Mim James, Special Counsel Dottie Palumbo, Assistant City Attorney Laura Mueller, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 9:13pm.

IV. RECESS

V. RECONVENE AT 7:07 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.

- A. Recognition of Commissioners and Board Members Whose Terms Expired in June 2016 (Ben Sorrell) – Mayor Todd Purcell recognizes Ben Sorrell for his service on the Transportation Committee. Rich Beggs states his concern regarding wastewater and potential discharge issues.

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, July 12, 2016
- B. Approval of Regular Meeting Minutes, July 19, 2016
- C. Approval of Regular Meeting Minutes, August 9, 2016
- D. Approval of Regular Meeting Minutes, August 16, 2016
- E. Approval of Special Meeting Minutes, September 6, 2016
- F. Approval of Treasurer's Report for August 2016
- G. Approval of Appointment of Kyle Dannhaus as City of Dripping Springs Building Official
- H. Approval of Appointment of Ginger Faught as Deputy City Secretary
- I. Approval of Request to Rent a Portion of Veterans Memorial Park/The Triangle for "Frosty's Christmas Trees" from November 21st through December 23, 2016 with the Following Conditions: the City Engineer Approves the Parking Plan; and No Set Up or Deliveries Shall Be Made on Wednesdays, *Carol Granger (Sponsor: Mayor Pro Tem Bill Foulds)*
- J. Approval of Extension to the Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce for First Thursday to include the months of November and December 2016 (*Sponsor: Mayor Pro Tem Bill Foulds*)
- K. Approval of Hotel Occupancy Tax Funding Agreement between the City of Dripping Springs and the International Dark-Sky Association Texas Section for the Texas Night Sky Festival to be held at Dripping Springs Ranch Park on March 18, 2017 (*Sponsor: Council Member Santos Alba*)
- L. Approval of Special Event Permit for the Dripping Springs Independent School District Homecoming Parade, Approval of Temporary Street Closure Request from Dripping Springs Independent School District to close portions of Sportsplex Drive, Mercer Street, San Marcos Street, Old Fitzhugh Road, Bluff Street, and Wallace Street on Wednesday, September 21, 2016 from 6:00pm to 8:30pm to facilitate the Homecoming Parade, and Request for Waiver of the Street Closure Application Fee, and the \$200 Special Event Permit Bond, Michael Lemonds, Student Council Sponsor, Dripping Springs High School (*Sponsor: Council Member John Kroll*)
- M. Approval of Amendment to the Carter Ranch Development Agreement to extend the Traffic Impact Analysis submittal due date by 60 days

- N. Approval of Authorizing Council Member Charles Busbey to Cast the City's Vote for Places 6 - 9 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool Election
- P. Approval of Proclamation Declaring September 2016 as "Hunger Action Month"
- Q. Approval of Proclamation Declaring October 4, 2016 as "National Night Out" in Dripping Springs, Hays County, Texas
- O. Approval of Memorandum of Understanding Between the City of Dripping Springs and the Dripping Springs Water Supply Corporation in Connection with the North Forty Water Line Replacement Community Development Block Grant Project 7215129
- R. Approval of Proclamation Declaring September 2016 as "National Preparedness Month"
- S. Approval of Proclamation Declaring November 2016 as "Helping Hands Awareness Month"

Council Member John Kroll motions to approve consent items A - O. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes. Council Member Charles Busbey reads aloud consent item P. Mayor Todd Purcell reads aloud consent item Q. Council Member Wade King reads aloud consent item R. Council Member John Kroll reads aloud consent item S. Council Member Charles Busbey motions to approve consent items P - S. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes.

IX. DEVELOPMENT AGREEMENTS

Consideration and Possible Action Regarding:

- A. Belterra Village Master Tree Preservation and Landscape Plan- A comprehensive Master Tree Preservation and Landscaping Plan for Belterra Village addressing types, sizes, locations, and placements of all trees for the Project. Once approved by the City, the Master Tree Preservation and Landscaping Plan shall have the effect of an amendment to the Belterra Commercial Development Agreement.
 - 1. Presentation – No presentation but applicant is available for questions.
 - 2. Staff Report (Rick Coneway) – Director Rick Coneway, report on file. Staff recommends approval for granting Variance 8 of the “First Amendment to the Belterra Commercial Agreement” and recommend a waiver and/or exemption to Section 28.06.059(c) of the City’s Landscaping and Tree Preservation Ordinance to allow trees to be removed without the requirement to pay cash-in-lieu.
 - 3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve according to staff’s recommendation with the condition that staff administratively approves the final review of the plan.
 - 4. Public Hearing – No one speaks.
 - 5. Variance to the Landscaping and Tree Preservation Ordinance to allow trees to be removed without the requirement to pay cash-in-lieu
 - 6. Belterra Village Master Tree Preservation and Landscaping Plan - Council Member John Kroll motions to approve the variance request according to staff and Commission recommendations. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes. Council Member John Kroll motions to approve the Master Tree Preservation and Landscaping Plan according to staff and Commission recommendations. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.

X. SUBDIVISIONS

Consideration and Possible Action Regarding:

- A. Cottages at Belterra - Preliminary Plat of 21.803 Acres in the William S. Hilton Survey No. 57 and the Alec McGown Survey, A-699 situated in Hays County, Texas, located within the Belterra Subdivision, north of Trinity Hills Drive just northeast of the intersection with Belterra Drive, *Stephen R. Delgado, PE, Representative of Applicant, Crescent Belterra, Texas, LLC*
1. Presentation - No presentation but applicant is available for questions.
 2. Staff Report (Rick Coneway) - Director Rick Coneway, report on file. Staff recommends approval.
 3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve according to staff's recommendation.
 4. Public Hearing – No one speaks.
 5. Preliminary Plat – Mayor Pro Tem Bill Foulds motions to approve the preliminary plat. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes.

XI. SIGNS

Consideration and Possible Action Regarding:

- A. Ordinance No. 1251.05: An Ordinance Amending Chapter 26, Appendix "C" of the Dripping Springs Code of Ordinances; Amending Regulations for a Master Sign Plan for a Portion of the Sawyer Ranch Subdivision; Providing for the Following: Findings of Fact; Repealer; Severability; and Proper Notice and Meeting.
1. Presentation - None
 2. Staff Report (Michelle Fischer) - City Administrator Michelle Fischer, report on file. Staff recommends approval.
 3. Planning and Zoning Commission Report - Commission Chair Mim James states that the Commission voted to approve according to staff's recommendation.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1251.05 - Council Member Wade King motions to approve Ordinance 1251.05. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.

XII. UTILITIES AND PUBLIC WORKS

Consideration and Possible Action Regarding:

- A. Request from Texas Gas Service for an Easement in Dripping Springs Ranch Park for a Feed-Back Station – DSRP Manager Lynne Dickinson, report on file. Staff asks Council to consider this request and let Texas Gas Service know what they need to move forward. Staff recommends that Texas Gas Service provide detailed drawings and plans for all aspects of this project. Staff also recommends that the aesthetic enclosure match existing elements at DSRP. Staff has no objections to this easement at DSRP. Aldo Ramiro from Texas Gas Service provides a presentation and is available for questions. Mayor Pro Tem Bill Foulds motions to approve subject to the City Engineer's approval. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes.

XIII. PARKS AND RECREATION

Consideration and Possible Action Regarding:

- A. Active Network Service Agreement for Recreation Data Management and Software Services
 - 1. Staff Report (Lynne Dickinson) – DSRP Manager Lynne Dickinson, report on file. Staff recommends approval of this purchase and implementation of the software services.
 - 2. Service Agreement - Council Member Charles Busbey motions to approve the service agreement. Council Member Wade King seconds. VOTE: 4-0 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 – Director Rick Coneway, report on file. Staff recommends Council choose a course of action for restoration/repair of the dam, 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 execute related contracts. This item was postponed until the September 20th City Council meeting. No action taken.

XIV. BUSINESS

Consideration and Possible Action Regarding:

- A. Second Public Hearing on the Proposed FY 2016 Ad Valorem Tax Rate of \$0.1700 per \$100.00 Assessed Valuation of all taxable property within the corporate limits of the city. – No one speaks.
- B. Public Hearing on Adoption of the Proposed Fiscal Year 2017 Budget – No one speaks.
- C. Ordinance No. 1100.72: An Ordinance of the City of Dripping Springs, Texas, Enacting the Municipal Budget for the 2016-2017 Fiscal Year; Funding Municipal Purposes; Authorizing Expenditures; Providing for: Findings of Fact; Enactment; Filing of Budget; Repealer; Severability; Effective Date; and Proper Notice and Meeting.
 - 1. Public Hearing – No one speaks.
 - 2. Ordinance 1100.72 - Council Member Charles Busbey motions to approve Ordinance 1100.72 and enact the municipal budget for the 2016-2017 Fiscal year with the staff funding changes that the Mayor will provide to the City Administrator. Council Member Wade King seconds. Upon a roll call vote of the motion, the following votes were recorded: Mayor Pro Tem Bill Foulds: Aye, Council Member Santos Alba: Absent, Council Member Charles Busbey: Aye, Council Member Wade King: Aye, Council Member John Kroll: Aye. VOTE: 4-0 in favor, motion passes.
- D. Discussion and Action: To ratify the property tax increase reflected in the adopted annual budget for Fiscal Year 2016-2017 – Mayor Todd Purcell states that this vote is in addition to and separate from the vote to adopt the budget. This vote is to acknowledge that the property tax increases the tax revenue to support the budget for this fiscal year. Council Member Charles Busbey motions to ratify the property tax increase reflected in the adopted annual budget for Fiscal Year 2016-2017. Council Member John Kroll seconds. Upon a roll call vote of the motion, the following votes were recorded: Mayor Pro Tem Bill Foulds: Aye, Council Member Santos Alba: Absent, Council Member Charles Busbey: Aye, Council Member Wade King: Aye, Council Member John Kroll: Aye. VOTE: 4-0 in favor, motion passes.
- E. City of Dripping Springs Participation in the Capital Area Council of Governments Regional Notification System and Approval of the Regional Notification System Nondisclosure Agreement for Certified Users (*Sponsor: Mayor Todd Purcell*)

1. Staff Report – Emergency Planning Coordinator Kay Allen, report on file. Staff recommends Council approve the immediate cancellation of the current contract with Emergency Communications Network and enter into an agreement with CAPCOG Regional Notification System, and approve the Regional Notification System Nondisclosure Agreement.
 2. Participation in Regional Notification System and Approval of Nondisclosure Agreement - Council Member John Kroll motions to approve participation in the Regional Notification System and the Nondisclosure Agreement. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.
- F. Termination of the CodeRed Services Agreement between the City of Dripping Springs and Emergency Communications Network, Inc. - Emergency Planning Coordinator Kay Allen, report on file. Staff recommends Council approve the immediate cancellation of the current contract with Emergency Communications Network. Council Member John Kroll motions to terminate the current contract with Emergency Communications Network effective immediately. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.
- G. Legislative Priorities for the 85th Texas Legislative Session – Deputy City Administrator Ginger Faught requests Council assign a Council member to work with city staff on legislative priorities for the 85th Texas Legislative Session. Council Member John Kroll volunteers to work with staff to review and plan for legislative priorities for the 85th Texas Legislative Session.

XV. 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

XVI. ANNOUNCEMENTS

- A. Regular Emergency Management Commission Meeting, September 15, 2016 at 5:00 p.m.
- B. Regular City Council Meeting, September 20, 2016 at 6:00 p.m.
- C. Regular Transportation Committee Meeting, September 26, 2016 at 3:30 p.m.
- D. Regular Planning & Zoning Commission Meeting, September 27, 2016 at 7:00 p.m.

- XVII. **ADJOURN** – Mayor Pro Tem Bill Foulds motions to adjourn the meeting. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes. Meeting adjourns at 9:14pm.