

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, August 9, 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 Pro Tem Bill Foulds calls the meeting to order at 5:35pm. All present except Mayor Todd Purcell, City Secretary Kerri Craig, and DSRP Manager Lynne Dickinson. Also present are Administrative Assistant Rachel Goodnight, Assistant City Attorneys Laura Mueller and Dottie Palumbo, Financial Advisor Andre Ayala, and Special Bond Counsel Jana Edwards. Special Counsel David Tuckfield arrives at 6:22.

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 and Ad Valorem Tax Rate
2. Review and Discuss Budget Requests
3. FY 2017 Budget and Tax Rate Timeline

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 the legal requirements and procedures for the creation of a Tax Increment Reinvestment Zone (551.071 Consultation with City Attorney)

- B. 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*)
- C. Consultation with City Attorney regarding legal requirements and procedures for the creation for a Public Improvement District (PID) to finance improvements benefitting the Scenic Greens Subdivision (*551.071 Consultation with City Attorney*)
- D. Consultation with City Attorney regarding legal requirements and procedures for the creation of a Public Improvement District (PID) to finance improvements benefitting the Heritage Subdivision (*551.071 Consultation with City Attorney*)
 Convened to executive session at 8:40pm. 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, Director of Public Works and Development Rick Coneway, Assistant City Attorneys Laura Mueller and Dottie Palumbo, Financial Advisor Andre Ayala, Special Bond Counsel Jana Edwards, and Special Counsel David Tuckfield. Reconvened to the regular meeting at 10:25pm.

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 Commissioners and Board Members Whose Terms Expired in June 2016
 Mayor Pro Tem Bill Foulds moved recognizes and thanks outgoing members Trent Edwards for his service on the Founders Day Commission, and Aubrey Munguia for her service on the Farmers Market Association Board.

Richard Beggs, Sally Beggs and Jeff Shaw state their opposition to wastewater discharge.

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 Treasurer's Report for July 2016
- B. Approval of Appointment of Robert Lamb to the Emergency Management Commission, Term to Expire June 2018
- C. Approval of Request to Rent a Portion of Veterans Memorial Park/The Triangle for "Pumpkin Patch" from October 9th through November 1st, 2016 with the Following Conditions: the

City Engineer Approves the Parking Plan; and No Set Up or Deliveries on Wednesdays
(Sponsor: Council Member Wade King)

- D. Approval of Resolution 2016-44: A Resolution of the City of Dripping Springs Approving the Acceptance of a Sewer Line Easement from B&O Dripping Springs Investors, Ltd. On Lot 2A, Block A of the Dripping Springs Retail Center Subdivision
- E. Approval of Resolution 2016-43: A Resolution of The City of Dripping Springs Renaming an Existing Street (Cattle Drive) to Buckthorn Drive

Council Member Santos Alba motions to approve all consent items except item D. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

IX. BOARD OF ADJUSTMENT

Consideration and possible action on:

- A. Sign Variance Request for Subdivision Monument Sign for Texas Heritage Village at N. Rob Shelton Blvd. (also known as Meritage Subdivision), *Cynthia McCalmont, SEC Planning, Applicant and Robert Archer, Meritage Homes, Owner*
 - 1. Presentation – Cynthia McCalmont
 - 2. Sign Administrator's 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 the variance request.
 - 4. Public Hearing – No one speaks.
 - 5. Variance Request to Allow a Subdivision Monument Sign to Exceed the Maximum Signable Area Allowed - Council Member Charles Busbey motions to approve the variance request according to staff's recommendation. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Sign Variance Request for Directional Signage for Mercer Street and Old Fitzhugh Road Historic District Businesses, *Pam Owens, Dripping Springs Chamber of Commerce, Applicant*
 - 1. Presentation – Pam Owens
 - 2. Sign Administrator's Report (Michelle Fischer) - City Administrator Michelle Fischer, report on file. Staff recommends approval of the sign variances with the following conditions: the signs will be located a distance back from the US Highway 290 right of way that is approved by the City Engineer; Keenan Smith finds the sign design and materials acceptable; the variance is approved for the less of two years from the date the signs are installed or until wayfinding signs are approved by TXDOT and installed; and should the signs need to be removed, relocated, or altered due to roadway, sidewalk, drainage or utility improvements or repairs, the Chamber of Commerce will be responsible for doing so.
 - 3. Planning and Zoning Commission Report - Commission Chair Mim James states that the Commission voted to approve the two variance requests according to staff's recommendations.
 - 4. Public Hearing – John McIntosh, Vicky Lewis, Christine Ann, and Carrie Napikowski state their support for the signage.

5. Variance Request to Allow Temporary Directional Signs in Public Right of Way
6. Variance Request to Allow Temporary Directional Signs to Exceed Maximum Signable Area Allowed - Council Member Wade King motions to approve the two variance requests according to staff's recommendation. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

X. UTILITIES AND PUBLIC WORKS

- A. Approval of Resolution 2016-45: A Resolution of the City of Dripping Springs Approving and Accepting the Hydrology and Hydraulic Evaluation Regarding Little Barton Creek Dam Prepared by RPS Klotz Associates on June 3, 2016
 1. Staff Report (Rick Coneway) – Director Rick Coneway, report on file. Staff recommends approval.
 2. Resolution 2016-45 - Council Member John Kroll motions to approve Resolution 2016-45. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Reclaimed Water Agreement between the City of Dripping Springs and Howard Land and Cattle, LTD., a Texas Limited Partnership – Deputy City Administrator Ginger Faught provides a report. Staff recommends approval. Council Member Santos Alba motions to approve the agreement according to staff's recommendation. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

XI. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1260.30 - An Ordinance of the City of Dripping of Springs amending Article 24.06 of the Dripping Springs Code of Ordinances; modifying regulations for Outdoor Lighting in the city limits and, when possible, in the extraterritorial jurisdiction through contracts and development agreements; providing for the following rules; standards; procedures; criminal penalties including criminal fines not to exceed \$500.00 per violation and civil fines of up to \$500.00 per violation; repealer; severability; and an effective date.
 1. Staff Report (Anjali Naini, Michelle Fischer, Cindy Luongo Cassidy) – Staff provides a report and recommends approval.
 2. Planning and Zoning Commission Report- Commission Chair Mim James states that the Commission voted to postpone this item until the next meeting.
 3. Public Hearing – Geoffrey Tahuahua speaks in favor of postponing action on this item.
 4. Ordinance No. 1260.30 – Mayor Pro Tem Bill Foulds motions to postpone this item until a future meeting. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

Council Member John Kroll leaves the dais due to a potential conflict of interest with the next agenda item. Affidavit on file.
- B. Consider and Receive a Presentation by applicant on Proposed Heritage Subdivision Public Improvement 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* – Applicant provides a presentation. Mayor Pro Tem Bill Foulds states that the Council continues to have concerns as to whether the development provides the “premium public benefit” as required by our Public Improvement District policy. Council supports the staff’s direction on how to structure this deal. Critical public benefits that must be included are the offsite road connections (North Street and the connection to Roger Hanks Parkway) and the wastewater improvements. Council has previously directed staff to isolate and minimize risk to the extent possible. Council will only consider a cash escrow, reimbursement Public Improvement District, or an alternative financing model that is endorsed by the City team. Previously, the Council stated that we were not able to support an assessment over \$.40-\$.45 cents; however, if the above requirements can be worked out, we would be willing to consider an assessment over \$.50 cents. No action taken.

- C. Presentation from Staff on Potential Areas and Projects to be Included for the Creation of a Tax Increment Reinvestment Zone and Provide Direction to Staff – No action taken.

XII. 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

XIII. ANNOUNCEMENTS

- A. Regular Emergency Management Commission Meeting, August 18, 2016 at 5:00 p.m.
- B. Regular Transportation Committee Meeting, August 22, 2016 at 3:30 p.m.
- C. Regular Planning & Zoning Commission Meeting, August 23, 2016 at 7:00 p.m.
- D. Regular City Council Meeting, September 13, 2016 at 7:00 p.m.

- XIV. **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 10:29 pm.