

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, July 12, 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 5:32pm. All present except Mayor Todd Purcell and City Attorney Alan Bojorquez. Also present are Assistant City Attorney Laura Mueller and Special Counsel Dottie Palumbo.

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. 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 Attorney and 551.072 Purchase, Exchange, Lease or Value of Real Property)
- B. Deliberation regarding the employment, evaluation, hours, reassignment, and duties of the Communications Coordinator (551.074 Personnel Matters).

- 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 6:17pm. 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, Director of Public Works and Development Rick Coneway, Planning Consultant Anjali Naini, Special Counsel Dottie Palumbo and Assistant City Attorney Laura Mueller. Recessed at 6:55pm.

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE – Council Member John Kroll 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.

Marianne Simmons – Chair of the Farmers Market Board. States that the Tomato Round Up Festival was very successful and highly attended, and discusses the highlights of the event.

The following citizens spoke regarding wastewater issues: Patrick Rose, Rex Baker, Casey Cutler, Bill Little, Jeff Shaw, Mark Key, Martha Anderson, Margaret Williams.

A. Recognition of Commissioners and Board Members Whose Terms Expired in June 2016

VIII. CONSENT ITEMS (Begins at 7:30pm)

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, June 14, 2016
- B. Approval of Treasurer's Report for June 2016
- C. Approval of Revised Fiscal Year 2017 Budget Approval Timeline
- D. Approval of Appointment of Planning & Zoning Commissioners, Parks & Recreation Commissioners, Historic Preservation Commissioners, Founders Day Commissioners, Farmers Market Association Board Members, and Economic Development Committee Members, Terms to Expire June 2018

- E. Approval of Appointment of Chairs to Planning & Zoning Commission, Farmers Market Association Board, Founders Day Commission, Transportation Committee, and Economic Development Committee, Terms to Expire June 2018
- F. Approval of a Project Agreement between the City of Dripping Springs and the Texas Department of Criminal Justice (TDCJ) for a Public Service Program for the Dripping Springs Ranch Park Including but not Limited to Moving Panels and Reconfiguring the Arena, Power Washing, and Cleaning the Arena and Surrounding Grounds (*Sponsor: Mayor Purcell*)
- G. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and Texas International Dark-Sky Association for the Texas Night Sky Festival to be held March 18, 2017 at Dripping Springs Ranch Park (*Sponsor: Council Member Santos Alba*)
- H. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Songwriters Festival for the Dripping Springs Songwriters Festival on October 14th - 16th, 2016 (*Sponsor: Mayor Pro Tem Bill Foulds*)
- I. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and The Friends Foundation for the 23rd Barbeque at the Salt Lick on October 13, 2016 (*Sponsor: Mayor Pro Tem Foulds*)

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

IX. BOARD OF ADJUSTMENT

Consideration and possible action on:

- A. Holiday Inn Sign Variance Requests, located at 333 E US Highway 290, Building 5, *Shelly Mitchell, P.E., Pape Dawson Engineers, Project Applicant, and Jay Sinioia, Owner*
 - 1. Presentation – Shelly Mitchell, Applicant
 - 2. Sign Administrator's Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of the variance requests with the following conditions: The illuminated signs shall not exceed 3,000 kelvin; and the City's Exterior Design and Architectural Standards Consultant shall approve the monument sign for compliance with the Planned Development District #2 Ordinance.
 - 3. Planning & Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve all three variance requests according to staff's recommendation.
 - 4. Public Hearing – No one speaks.
 - 5. Variance Request to Allow a Projecting Sign to Exceed the Maximum Height Allowed
 - 6. Variance Request to Allow a Projecting Sign to Exceed the Maximum Signable Area Allowed
 - 7. Variance Request to Allow the Total Cumulative Signable Area to Exceed the Maximum Allowed – Council Member Wade King motions to approve all three variance requests according to staff's recommendation. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

X. DEVELOPMENT AGREEMENTS

Consideration and possible action on:

- A. Conceptual Land Use Plan Presentation regarding the 297.2 acre Cannon Tract located at 110 Cannon Ranch Road, Dripping Springs, Texas (*Discussion only; no action to be taken at this time*) – Deputy City Administrator Ginger Faught provides a presentation. No action taken.
- B. First Amendment to The Belterra Commercial Development Agreement between the City of Dripping Springs and Crescent Belterra TX, LLC amending the Belterra Commercial Development Agreement entered into in 2009 between the City of Dripping Springs and MAK Foster Ranch, L.P. The affected area is approximately 92.88 acres, located south of Highway 290 between Belterra Drive and Nutty Brown Road, and north of Trinity Hills Drive. *Crescent Belterra TX, LLC, and Endeavor, Applicants*
 1. Presentation – Rex Baker, Applicant’s Representative
 2. Staff Report (Anjali Naini) – Planning Consultant Anjali Naini, report on file. Staff recommends approval of the amended agreement.
 3. Planning & Zoning Commission Report - Commission Chair Mim James states that the Commission voted to approve according to staff’s recommendation, and with the review and approval of the City Attorney, with the following conditions: changes in wording for cut and fill to state the City Engineer will consultant with a member of the Planning and Zoning Commission if over 8 feet, the development will comply with the City’s Outdoor Lighting Ordinance in effect at the time of the site development, building permit ,and sign permit applications, any building constructed that is over 40 feet tall must be constructed with light steel and not to exceed 65 feet in height, and to revise the amendment so that it doesn’t include the tower element on the theater, since it was withdrawn by the applicant.
 4. Public Hearing – David Jedyah, Wade Lintz, Dan O’Brien.
 5. Project Approvals, Including Variances, Exceptions, Clarifications, and Alternative Standards
 - a. Maximum Gross Floor Area of 60,000 to 100,000 Square Feet
 - b. Maximum Building Height for Hotel, Multi-family and Architectural Element
 - c. Parking Requirements for Hotel
 - d. Master Sign Plan and Ordinance
 - e. Landscape and Tree Preservation Plan
 - f. Maximum Cut and Fill
 - g. Allow Administrative Approvals of Preliminary Plats that Conform with the Master Parcel Plan
 6. First Amendment to Belterra Commercial Development Agreement – Council Member John Kroll motions to approve the amended agreement items A, B, C, F and G according to staff and Commission recommendations. Mayor Pro Tem Bill Foulds seconds with the addition that the applicant must provide a building massing rendering or 3-D model showing the buildings, and that City Council and Planning and Zoning Commission must approve the site development permit plan when submitted, which John Kroll accepts.
VOTE: 4-1 in favor, Council Member Charles Busbey votes nay, motion passes.

XI. SIGNS

Consideration and Possible Action On:

- A. Presentation on 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 (Discussion only; no action to be taken at this time)* – Presentation provided by applicant. No action taken.

XII. BUSINESS

Consideration and Possible Action On:

- A. Request from Susan Howard for a Refund of Dripping Springs Ranch Park Rental Fees for a Show Cancelled with 7 Days Notice (*Sponsor: Council Member Santos Alba*)
1. Staff Report (Lynne Dickinson) – DSRP Manager Lynne Dickinson, report on file. Staff recommends denial of the request.
 2. Request for Refund – Council Member Wade King motions to approve the request to apply the paid fees to the October 2016 show with the condition that the fees will be non-refundable if the October 2016 show is cancelled. Motions dies due to lack of second. Mayor Pro Tem Bill Foulds motions to deny the request and directs staff to follow the rules of the park which states no refund is given without the notice required in the rules. Council Member Santos Alba seconds. VOTE: 4-1 in favor, Council Member Wade King votes Nay, motion passes.
- B. Application for Special Event Permit for 1400 Miles to be held on August 27, 2016 at Twisted X Brewery, located at 23455 W RR 150, *Jim Sampson, Applicant (Sponsor: Mayor Pro Tem Bill Foulds)*
1. Staff Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of the permit. Jim Sampson speaks and states that although he is no longer associated with Twisted X he supports the event which benefits 1400 Miles, not Twisted X.
 2. Special Event Permit Application – Council Member Charles Busbey motions to approve the permit with the restriction of no amplified music whatsoever. Council Member Santos Alba seconds. VOTE: 3-2 in denial, Council Members John Kroll, Santos Alba and Wade King vote nay, motion fails. Mayor Pro Tem Bill Foulds motions to approve the permit with the condition that Jim Sampson meets with staff and the neighbors who have complained in the past about events held at Twisted X in order to get the neighbors approval of the event and the use of amplified sound. If any of the neighbors vote no regarding the permit, the event can be held but without any amplified sound. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- C. Discuss and provide direction to staff on creating a preliminary reinvestment zone financing plan and on participation agreements with other taxing units for the creation of Tax Increment Reinvestment Zones – Mayor Pro Tem Bill Foulds motions to direct staff to initiate the process of creating a preliminary reinvestment zone financing plan not to exceed \$15,000 and the City Treasurer must sign off on it. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

D. City Hall Space Management and Remodel Plan, Cost Estimates, and Budget Allocations
(Sponsor: Mayor Todd Purcell)

1. Staff Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of moving forward with all items in Phase 1 and appropriating funds from the budget, and to hire the architect to prepare the construction plans for the Phase 2 remodel.
2. Remodel Plan, Cost Estimates, and Budget Allocations - Mayor Pro Tem Bill Founds motions to approve. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

E. Acceptance of Proposal from Herron Design Studio for Architectural Services for the Production of Construction Documents of a Previous Design Study for the Remodel of the City of Dripping Springs City Hall (Sponsor: Mayor Todd Purcell)

1. Staff Report (Michelle Fischer) - City Administrator Michelle Fischer, report on file. Staff recommends approval of the proposal.
2. Acceptance of Proposal - Council Member Charles Busbey motions to approve with the condition of not to exceed \$3,000. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

F. Resolution No. 2016-41: A Resolution of the City of Dripping Springs Amending the Personnel Manual of the City of Dripping Springs (Sponsor: Council Member Charles Busbey)

1. Staff Report (Laura Mueller, Assistant City Attorney) – Assistant City Attorney Laura Mueller, report on file. Staff is recommending the amendments listed in the report.
2. Resolution 2016-41 - Council Member John Kroll motions to approve Resolution 2016-41. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

G. Discuss and take possible action on claim of Brant Gibson for damage to his personal vehicle done in the course and scope of his employment. Authorize Mayor to take appropriate action regarding claim. - Council Member Wade King motions to approve payment of the claim amount as presented in the estimate with the condition that the City finalize a policy that states personal vehicles will not be used for work purposes at all from this point forward. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.

H. Discuss and take possible action on Communications Coordinator's duties, hours, and status as an employee and authorize City Administrator to take appropriate action related to negotiation and contract for communication coordination (Sponsor: Mayor Todd Purcell) - Council Member John Kroll motions to approve the creation of a full-time Communications Coordinator's position and to authorize staff to negotiate and fill the position within available budget parameters. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes. Mayor Pro Tem Bill Foulds authorizes staff to negotiate and contract for additional communication coordination professional services, with final approval of the contract by City Council. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XIII. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Farmers Market Manager's Monthly Report
- B. Dripping Springs Ranch Park Monthly Report
- C. Economic Development Committee Monthly Report

XIV. 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.

The following citizens spoke regarding the City's wastewater issues: Susan Cook, Michael Betz

XV. ANNOUNCEMENTS

- A. Regular Emergency Management Commission Meeting, July 21, 2016 at 5:00 p.m.
- B. Regular Transportation Committee Meeting, July 25, 2016 at 3:30 p.m.
- C. Regular Planning & Zoning Commission Meeting, July 26, 2016 at 7:00 p.m.
- D. Regular City Council Meeting, August 9, 2016 at 7:00 p.m.

XVI. ADJOURN - Council Member Santos Alba motions to adjourn the meeting. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 10:00pm.