

# City Council Meeting Minutes

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A regular meeting of the City of Dripping Springs City Council was held Tuesday, June 14, 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 Todd Purcell calls the meeting to order at 7:00pm. All present except Deputy City Administrator Ginger Faught, City Treasurer Gina Gillis, and DSRP Manager Lynne Dickinson.

## 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 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*)
- B. 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*)
- 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 Attorney and 551:072 Purchase, Exchange, Lease or Value of Real Property*)

Convened to executive session at 5:27pm. Present: 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 Administrator Michelle Fischer, Director of Public Works and Development Rick Coneway, and City Attorney Alan Bojorquez. Recessed at 6:27pm.

**IV. RECESS**

**V. RECONVENE AT 7:00 p.m.**

**VI. PLEDGE OF ALLEGIANCE** – Boy Scout Troop 101 leads the Pledge of Allegiance.

**VII. OATHS OF OFFICE**

- A. Municipal Judge Marilyn Miller Administers Oaths of Office for Mayor Todd Purcell, Council Member John Kroll, and Council Member Wade King, Terms to Expire June 2018 – Judge Miller administers oaths.
- B. Mayor Todd Purcell Administers Oath of Office for Municipal Court Judge Marilyn Miller, Term to Expire June 2017 – Mayor Purcell administers oath.

**VIII. 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.*

Wes Pitts – Presents a petition and speaks in opposition to the proposed wastewater discharge into Onion Creek.

Martha Anderson – Speaks in opposition to the proposed wastewater discharge into Onion Creek.

Michael Aulick – Speaks in opposition to the proposed wastewater discharge into Onion Creek.

Nancy Fierstein – States appreciation for the City's support of the Thirsty Thursday program.

Susan Cook – Speaks in opposition to the proposed wastewater discharge into Onion Creek.

Cynthia Trotter Weynandt – Speaks in opposition to the proposed wastewater discharge into Onion Creek.

**IX. 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 Appointment of Marilyn Miller to Serve as Municipal Court Judge, Term to Expire June 2017
- B. Approval of Regular Meeting Minutes, May 17, 2016
- C. Approval of Treasurer's Report for May 2016

- D. Approval of Fiscal Year 2017 Budget Approval Timeline
- E. Approval of Request from Coop Dreams for Waiver of Certain Fees (Tables, Chairs, Kitchen, Custodial, and Staff) at Dripping Springs Ranch Park for their Event on February 24-26, 2017  
Sponsor: Councilman Wade King
- F. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and New Life Lutheran Church for Thirsty Thursday to be Held Monthly at City Hall  
Sponsor: Councilman Wade King
- G. Approval of Letter from the City of Dripping Springs to the Texas Water Development Board Supporting Hays County's 2016 Flood Protection Grant Application for the Hays County Flood Monitoring System
- H. Approval of Resolution No. 2016-37 Executing a Special Warranty Deed to 0.579 Acre Tract for Variable Width Right-Of-Way for North Rob Shelton Boulevard
- I. Approval of Resolution No. 2016-40 Accepting a Construction Bond to Assure Completion of All Public Improvements Associated with the Development of Texas Heritage Village Section 4

Council Member John Kroll motions to approve consent item A. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes. Council Member Santos Alba motions to approve consent items B – I. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

#### **X. BOARD OF ADJUSTMENT**

*Consideration and Possible Action On:*

- A. Sign and Lighting Variance Requests for Dollar General, located at 2400 W. Highway 290, Drippings Springs, TX, *Ezzi Signs, Applicant*
  - 1. Presentation – Ezzi Signs, Applicant
  - 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends the following for the four requests: 1) In my opinion the applicant has not demonstrated the need for a pole sign. I recommend denial of the variance request. The Planning and Zoning Commission also recommends denial. The applicant has appealed the denial. 2) I recommend approval of the variance request to allow a nonconforming projecting sign with the condition that the exterior wall lighting fixtures are replaced with ones that comply with the Lighting Ordinance and are approved by the City's lighting consultant and Sign Administrator. The Planning and Zoning Commission concurs. 3) I recommend approval of the variance request to allow cumulative total signable area to exceed the maximum so that a monument sign can be constructed in addition to the existing projecting sign. The Planning and Zoning Commission concurs. 4) I recommend approval of the variance request to allow more than 1/3 of an illuminated projecting sign and an illuminated pole sign to be yellow with the condition that the exterior wall lighting fixtures are replaced with ones that comply with the Lighting Ordinance and are approved by the City's lighting consultant and Sign Administrator. The Planning and Zoning Commission concurs.
  - 3. Planning & Zoning Commission Report – Commission Chair Mim James states that the Commission voted to accept staff's recommendations for all four variance requests.
  - 4. Public Hearing – No one speaks

5. Variance Request to Allow the Installation of a Pole Sign, which is a Prohibited Type of Sign
6. Variance Request to Allow a Nonconforming Projecting Sign to Remain and to Reface It
7. Variance Request to Allow Cumulative Total Signable Area to Exceed the Maximum Allowed
8. Variance Request to Allow More than 1/3 of an Illuminated Projecting Sign and an Illuminated Pole Sign to be Yellow

Council Member Charles Busbey motions to approve variance request 5. Motion dies due to a lack of a second. Council Member Santos Alba motions to accept staff and Planning and Zoning Commission's recommendations to deny variance request number 5 and approve variance requests 6-8. Council Member John Kroll seconds. VOTE: 4-1 in favor, Council Member Charles Busbey votes Nay, motion passes.

## **XI. ANNEXATION**

### ***Consideration and Possible Action On:***

- A. Ordinance 1803.80: Bunker Ranch-The City of Dripping Springs, Texas proposes to institute proceedings to voluntarily annex the area commonly known as Bunker Ranch into the corporate city limits and to approve an amended annexation timeline. A more detailed description of the property is as follows: 1) 43.18 acres out of the B.F. Hanna Survey No 28, Abstract 222, conveyed to Elry Hudson and Barbara Hudson Living Trust by deed recorded in Volume 2469, Page 508, of the deed of records of Hays County, Texas. 2) A portion of 160 acres conveyed to Clayton S. Brown and Henry Louise Brown by deed recorded in Volume 166, Page 264, of the deed of records of Hays County, Texas. 3) 23 acres conveyed to Clayton S. Brown and Henry Louise Brown by deed recorded in Volume 268, Page 494, of the deed of records of Hays County, Texas. 4) 3 acres in the B.F. Hanna League, Abstract 222, Hays County, Texas, conveyed to Clayton S. Brown and Henry Louise Brown by deed recorded in Volume 289, Page 295 of the deed of records of Hays County, Texas. 5) 47.94 acres conveyed to Alma Lee & Billie Calvin Garnett Trust by deed recorded in Volume 3788, Page 622, of the deed of records of Hays County, Texas. 6) 3.03 acres conveyed to Billie Garnett by deed recorded in Volume 398, Page 7, of the deed of records of Hays County, Texas. 7) 0.7 acres, 10.3 acres, and 19.96 acres out of the B.F. Hanna League Survey, Abstract 222, Hays County, Texas, conveyed to Billie C. Garnett by deed recorded in Volume 3961, Page 306 of the deed of records of Hays County, Texas. 8) 20.0 acres conveyed to Billie Calvin Garnett by deed recorded in Volume 299, Page 850 of the deed of records of Hays County, Texas.
  1. Presentation - Brian Estes, Applicant's Representative
  2. Staff Report (Anjali Naini) – Planning Consultant Anjali Naini, report on file. Staff recommends institution of annexation proceedings and adoption of the amended annexation timeline.
  3. Public Hearing – No one speaks
  4. Ordinance No. 1803.80 - Council Member Santos Alba motions to approve. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.

## **XII. ZONING**

### ***Consideration and Possible Action On:***

- A. Ordinance No. 1220.125: An Ordinance of the City of Dripping Springs changing the zoning classification of the following property upon completion of annexation: Approximately 213 acres out of BF Hanna League, Abstract No. 222, situated in Hays County, Texas, located at 2751 Highway 290 West, commonly known as Bunker Ranch, approximately 31.25 acres of which will be rezoned from Agriculture (AG) to General Retail (GR), and 182.08 acres of which will be rezoned from Agriculture (AG) to Single-Family Residential Moderate Density (SF-2), *Bunker Ranch LLC, Applicant*
1. Presentation - Brian Estes, Applicant's Representative
  2. Staff Report (Anjali Naini) – Planning Consultant Anjali Naini, report on file. Staff recommends approval.
  3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve Ordinance 1220.125.
  4. Public Hearing – No one speaks
  5. Ordinance No. 1220.125 - Council Member Charles Busbey motions to approve. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

### **XIII. SUBDIVISIONS**

#### ***Consideration and Possible Action On:***

- A. Bunker Ranch - Preliminary Plat of 213 acre tract out of BF Hanna League, Abstract No. 222, situated in Hays County, Texas, located at 2751 Highway 290 West. *Brian Estes, PE, Representative of Applicant, Bunker Ranch LLC*
1. Presentation - Brian Estes, Applicant's Representative
  2. Staff Report (Rick Coneway) – Director Rick Coneway, report on file. Staff recommends approval.
  3. Parks and Recreation Commission Report – The Commission voted to approve the parkland dedication cash-in-lieu in the amount of \$606,394.70, according to staff's recommendation.
  4. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve both the Cash In Lieu of Parkland Dedication and the Preliminary Plat.
  5. Public Hearing – No one speaks
  6. Cash In Lieu of Parkland Dedication
  7. Preliminary Plat - Council Member Santos Alba motions to approve the Cash In Lieu of Parkland Dedication according to staff and Commission recommendations. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes. Mayor Pro Tem Bill Foulds motions to approve the preliminary plat. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- B. Preliminary Plat for Phase Two, Headwaters at Barton Creek, *Doucet & Associates, Inc.*
1. Presentation – Doucet & Associates, Inc.
  2. Staff Report (Rick Coneway) – Director Rick Coneway, report on file. Staff recommends approval of the PUE width variance as requested, and approval of the preliminary plat conditioned upon approval of the elements of the parkland dedication plan related to phase two.

3. Planning & Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the variance request and preliminary plat according to staff's recommendations.
4. Public Hearing – No one speaks
5. Request for Variance to reduce width of PUE from 20' to 15' along both sides of the street ROW dedications
6. Preliminary Plat – Mayor Pro Tem Bill Foulds motions to approve the variance request and preliminary plat according to staff and Commission recommendations. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

#### **XIV. PARKLAND DEDICATION**

##### *Consideration and Possible Action On:*

- A. Parkland Dedication for Merritt Hill Country Senior Living Apartments, Located at 28725 RR 12, *Hunter Shadburne, PE, Austin Civil Engineering, Applicant*
  1. Presentation – Brian Roby, Austin Civil Engineering
  2. Staff Report (Brent Luck) – Consultant Brent Luck, report on file. Consultant Brent Luck, report on file. Staff recommends approval with the following condition: We propose that the THCA Fee Waiver Resolution amount required by the City (\$11,340.00) be applied to the cash-in-lieu amount, reducing the amount required to \$98,216.40. Additionally, we proposed the final cash-in-lieu to be paid by the Owner be 60% of this remaining balance or \$58,929.84.
  3. Parks & Recreation Commission Report – The Commission voted to approve the Parkland Dedication and Cash In Lieu according to staff's recommendations.
  4. Planning & Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the Parkland Dedication and Cash In Lieu according to staff's recommendation.
  5. Public Hearing – No one speaks
  6. Proposed Parkland Dedication and Cash In Lieu - Council Member John Kroll motions to approve the proposed parkland dedication and cash in lieu according to staff and Commission recommendations. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

#### **XV. BUSINESS**

##### *Consideration and Possible Action On:*

- A. Special Event Permit Application for Hill Country Rally for Kids Car Show, including the Temporary Street Closure of portions of Mercer, San Marcos, College, and Bluff Streets and a portion of Old Fitzhugh Road on August 20, 2016, *Cody Reeves, President of Hill Country Rally for Kids (Sponsor: Council Member Busbey)* – City Administrator Michelle Fischer, report on file. Council Member Charles Busbey motions to approve. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Special Event Permit Application for Twisted X Brewery's 5th Anniversary Event on July 9, 2016 (*Sponsor: Mayor Pro Tem Foulds*) - City Administrator Michelle Fischer, report on file. Council Member Charles Busbey motions to deny the application. Council Member Wade King seconds. VOTE: 5-0 in favor of denial, motion passes.

- C. City Hall Space Management and Remodel Plan, Cost Estimates, and Budget Allocations - City Administrator Michelle Fischer, report on file. No action taken.
- D. Contract Between the City of Dripping Springs and Forres Meadows Auctioneers, Inc. d/b/a Texas Bid On-Line for Surplus, Salvage & Seizure Property Consignment Auction/Sale - City Administrator Michelle Fischer, report on file. Mayor Pro Tem Bill Foulds motions to approve the contract. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- E. Dripping Springs Event Center Contractor Agreement between the City of Dripping Springs and Odell Equipment for Repairs to the Outdoor Arena and Warm-Up Area at Dripping Springs Ranch Park (*Sponsor: Council Member Wade King*) - City Administrator Michelle Fischer, report on file. Council Member Wade King motions to approve the contract. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- F. Appointment of Mayor Pro Tem - Council Member Santos Alba motions to appoint Bill Foulds as Mayor Pro Tem. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- G. Casting of City's Vote in the Pedernales Electric Cooperative Annual Election (*Sponsor: Council Member Santos Alba*) – Mayor Pro Tem Bill Foulds motions to approve authorizing the City Administrator to cast the City's vote with the involvement of Council Member Wade King. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

#### **XVI. UTILITIES AND PUBLIC WORKS**

- A. Second Amendment to Wastewater Service and Impact Fee Agreement between the City of Dripping Springs, Hays County Development District No. 1, Development Solutions CARTER, LLC and Development Solutions CAT, LLC for the Caliterra and Carter Ranch Subdivisions (*Sponsor: Mayor Pro Tem Bill Foulds*)
  - 1. Staff Report (Ginger Faught) – Deputy City Administrator Ginger Faught, report on file. Staff recommends approval.
  - 2. Wastewater Service and Impact Fee Agreement – Mayor Pro Tem Bill Foulds motions to approve the agreement subject to final approval of the agreement by the City Administrator and City Attorney. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Resolution No. 2016-38 Creating a 0.113 Acre Public Utility Easement Across the 42.06 Acre McAlister Tract – Director Rick Coneway, report on file. Council Member John Kroll motions to approve. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- C. Vacation of Sidewalk Easement: A Permanent Public Sidewalk Easement containing approximately 0.08 acres through Tract 76 A-2, Volume 130, Page 231 of the Deed Records, Hays County, with property address of 28725 RR12, Dripping Springs, Texas and directing city administrator to ensure said vacation of easement is appropriately filed if approved – Mayor Pro Tem Bill Foulds motions to approve. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

- D. Acceptance of Sidewalk Easement: Permanent Public Sidewalk Easement containing approximately 0.07 acres through Tract 76 A-2, Volume 130, Page 231 of the Deed Records, Hays County, with property address of 28725 RR12, Dripping Springs, Texas and directing city administrator to ensure said easement is appropriately filed if accepted. - Council Member Charles Busbey motions to approve. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

**XVII. 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

**XVIII. ANNOUNCEMENTS**

- A. Regular Emergency Management Commission Meeting, June 16, 2016 at 5:00 p.m.
- B. Regular Transportation Committee Meeting, June 27, 2016 at 3:30 p.m.
- C. Regular Planning & Zoning Commission Meeting, June 28, 2016 at 7:00 p.m.
- D. Regular City Council Meeting, July 12, 2016 at 7:00 p.m.  
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- XIX. **ADJOURN** - Council Member Santos Alba motions to adjourn the meeting. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 8:32pm.