

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, May 10, 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 Pro Tem Bill Foulds calls the meeting to order at 5:30pm. All present except Council Member Santos Alba and DS Ranch Park Manager Lynne Dickinson. Also present is 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.

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. Consultation with City Attorney Regarding Legal Matters Regarding Planned Development District Number 5 Agreement for the Heritage Subdivision (*551.071 Consultation with City Attorney*)
- C. Consultation with City Attorney Regarding Legal Requirements and Procedures for the Creation of a Public Improvement District (PID) to finance improvements benefiting the Heritage Subdivision. (*551.071 Consultation with City Attorney*)

Convened to executive session at 5:50pm. 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, Planning Consultant Anjali Naini, City Treasurer Gina Gillis, Special Counsels David Tuckfield, Dottie Palumbo, Jana Edwards, and Andy Barrett, and City

Attorney Alan Bojorquez. Council Member John Kroll was only present for item A. Planning and Zoning Commission Chair Mim James and Financial Advisor Jim Sabonis were only present for items B and C. Executive Session recessed at 7:10pm and the regular meeting was reconvened at 7:15pm.

IV. RECESS

V. RECONVENE AT 7:00 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. – Deputy City Administrator Ginger Faught recognizes the fact that City Administrator Michelle Fischer received the 2016 Distinguished Public Administrator Award from the American Society of Public Administration. PEC representative Tessa Schmitzinsky invites the community to their upcoming annual meeting. Rich Beggs states his concern about the negative impact of effluent discharge into Onion Creek. Wes Pitts states his concern about the negative impact of wastewater discharge into Onion Creek and his support for a no-discharge permit.

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, April 19, 2016
- B. Approval of Treasurer's Report for April 2016
- C. Approval of Staffing Agreement between the HT Group and the City of Dripping Springs for a Temporary Receptionist (*Sponsor: Mayor Purcell*)
- D. Approval of Permanent Public Sidewalk Easement Dedication from Oryx Holdings, LLC to the City of Dripping Springs (*Sponsor: Councilman King*)
- E. Approval of Contract between the City of Dripping Springs, AG Boosters, and Magic Valley Rides to provide a carnival for the 2016 Dripping Springs Fair and Rodeo (*Sponsor: Mayor Purcell*)
- F. Approval of Contract with C Staff Construction LLC for Old US 290 Drainage Improvements
 - 1. Staff Report (Coneway)
- G. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce for the Dripping Springs Job Fair on May 24, 2016 (*Sponsor: Councilman Alba*)
- H. Approval of Agreement for Payment of Review Expenses Incurred by the City for the Heritage Public Improvement District Project Between the City Of Dripping Springs and SLF IV - Dripping Springs JV, L.P.
- I. Approval of Proclamation Declaring May 14, 2016 "Rosemary Burke Campise Day"

Mayor Pro Tem Bill Foulds motions to approve consent items A through H. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes. Mayor Todd Purcell reads aloud consent item I. Mayor Pro Tem Bill Foulds motions to approve consent item I. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes.

IX. 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 - None
 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 at their April 11, 2016 meeting.
 4. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the Cash In Lieu of Parkland Dedication and the Preliminary Plat at their April 26, 2016 meeting.
 5. Public Hearing – DorRae Stevens states her concerns about the impact of this development on the surrounding area specifically the effect on the adjacent easement.
 6. Cash In Lieu of Parkland Dedication
 7. Preliminary Plat (motion to postpone the Bunker Ranch preliminary plat to June 14, 2016 City Council meeting) – Mayor Pro Tem Bill Foulds motions to postpone this item until the June 14, 2016 City Council Meeting. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.
- B. Replat Lot 13, Block A, Hidden Springs Ranch Subdivision - A replat of a 4.38 acre lot into two lots located in the City of Dripping Springs, Texas fronting Shadywood Lane to the west, Broken Lance Drive to the east, and Old Hwy 290 to the south. *Judy Kemp Amonett, as Trustee of the John Thomas Amonett Trust U/T/A and the Robert Cardwell Amonett Trust U/T/A, Owner*
1. Presentation - None
 2. Staff Report (Rick Coneway) – Director Rick Coneway, report on file. Staff recommends approval of the replat.
 3. Planning and Zoning Commission Report – Commission Chair Mim James states the Commission voted to approve the replat at their April 26, 2016 meeting.
 4. Public Hearing – No one speaks.
 5. Replat-Hidden Springs Ranch, Lot 13, Block A - Council Member Charles Busbey motions to approve the replat according to staff's recommendations. Mayor Pro Tem Bill Foulds seconds. VOTE: 4-0 in favor, motion passes.

X. 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 - None
 2. Staff Report (Anjali Naini) – Planning Consultant Anjali Naini, report on file. Staff recommends approval of the rezoning request upon approval of the annexation at the June 14, 2016 City Council meeting.

3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the Ordinance.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.125 (motion to postpone Ordinance No. 1220.125 to June 14, 2016 City Council meeting) - Mayor Pro Tem Bill Foulds motions to postpone Ordinance No. 1220.125 to the June 14, 2016 City Council meeting. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.
- B. Ordinance No. 1220.122: An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property: 731 Old Fitzhugh Road (A0415 PHILIP A SMITH SURVEY, ACRES 3.59; R 17913, HaysCAD) and 507 Old Fitzhugh Road (A0415 PHILIP A SMITH SURVEY, ACRES 1; R#17911, HaysCAD) from Local Retail (LR) to Single-Family Residential, Town Center (SF-3), *Rick Hardy, Hardy Realty, Inc., Employees Profit Sharing Plan, Applicant*
1. Presentation – Rick Hardy is available for questions.
 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 the Commission voted to approve Ordinance 1220.122 at their April 26, 2016 meeting.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.122 – Council discusses the types of zoning and appropriate classification of the properties in this area. Council Member Wade King motions to table this item until the May 17, 2016 City Council meeting. Mayor Pro Tem Bill Foulds seconds. VOTE: 3-0-1 in favor, Council Member John Kroll abstains, motion passes.

XI. SIGNS

Consideration and possible action on:

- A. Ordinance No.1251.03: An Ordinance Enacting Chapter 26, Appendix “C”, Of The Dripping Springs Code Of Ordinances; Establishing Regulations For A Master Sign Plan For A Portion Of The Sawyer Ranch Subdivision; Providing For The Following: Rules; Standards; Procedures; And Findings Of Fact; Codification; Repealer; Severability; Proper Notice And Meeting; Enforcement Including Criminal Penalties Including Criminal Fines Not To Exceed \$500.00 And Civil Fines Of Up To \$100.00, *Sawyer Ranch M.OB. Partners, LLC, Applicant*
1. Presentation - None
 2. Sign Administrator's Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of the variance requests and Ordinance with the condition that the Master Signage Plan Ordinance is also approved.
 3. Planning and Zoning Commission Report – Commission Chair Mim James states the Commission voted to approve the variances and Ordinance 1251.03 according to staff’s recommendation at their April 26, 2016 meeting.
 4. Public Hearing – No one speaks.
 5. Variance Request to Allow Monument Signs for a Multiunit Complex to Exceed the Maximum Height Allowed
 6. Variance Request to Allow Monument Signs for a Multiunit Complex to be Located Off Premises
 7. Variance Request to Allow a Projecting Sign to Exceed the Maximum Height Allowed
 8. Ordinance No.1251.03 – Mayor Pro Tem Bill Foulds motions to approve the three variances. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes. Mayor Pro Tem Bill Foulds motions to approve Ordinance 1251.03 according to staff’s recommendations. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.

XII. DEVELOPMENT AGREEMENTS

Consideration and possible action on:

- A. Carter Ranch Development Agreement – Carter Ranch Subdivision, between the City of Dripping Springs and Development Solutions Carter LLC, approximately 196 acres located near the intersection of Creek Road and Roger Hanks Parkway in Hays County, Texas, approximately 72 acres of which are located in the extraterritorial jurisdiction (ETJ) of the City of Dripping Springs. *Development Solutions Carter LLC, Applicant.*
1. Presentation – Andy Barrett, Applicant’s Representative
 2. Staff Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of the development agreement with revised alternative standards for street trees, which will need to be included in Exhibit C.
 3. Planning and Zoning Commission Report – Commission Chair Mim James states the Commission voted to approve the Project Approvals and the Development Agreement per staff recommendations, with the exception that the Pistachia chinensis tree be removed from the Approved Tree list.
 4. Public Hearing – No one speaks.
 5. Project Approvals, including Variances, Exceptions, Alternative Standards
 6. Carter Ranch Development Agreement-Recommendation – Mayor Pro Tem Bill Foulds motions to approve the Project Approvals and the Development Agreement according to staff’s recommendations subject to approval of a wastewater utility agreement and payment of all fees and reimbursements due to the City. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes.

XIII. BUSINESS

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 - None
 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. Motion to Institute Annexation Proceedings

5. Amended Annexation Timeline - Council Member John Kroll motions to institute annexations proceedings and adopt the amended annexation timeline according to staff's recommendations. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes.

XIV. 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

XV. ANNOUNCEMENTS

- A. Regular City Council Meeting, May 17, 2016 at 6:00 p.m.
- B. Regular Emergency Management Commission Meeting, May 19, 2016 at 5:00 p.m.
- C. Regular Transportation Committee Meeting, May 23, 2016 at 3:30 p.m.
- D. Regular Planning & Zoning Commission Meeting, May 24, 2016 at 7:00 p.m.
- E. Regular Economic Development Committee Meeting, May 25, 2016 at 4:00 p.m.

- XVI. ADJOURN** - Mayor Pro Tem Bill Foulds motions to adjourn the meeting. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes. Meeting adjourns at 8:16pm.