

City Council Meeting Minutes

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

Code Enforcement Manager Jon Thompson

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 called the meeting to order at 5:47pm. All present except Council Member Santos Alba and Code Enforcement Manager Jon Thompson.

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 Process and Procedures for Formalizing Structure of Public Works, Building Design, Land Development Services and Permitting Departmental Functions with Code Enforcement, Including Septic and Health Inspections and Personnel Allocation, additionally addressing administrative assistant and code enforcement director positions (551.071 Consultation with City Attorney and 551.074 Personnel Matters)
- 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 Attorney and 551.072 Purchase, Exchange, Lease or Value of Real Property)

- C. Consultation with City Attorney Regarding Legal Matters Regarding Planned Development District Number 5 Agreement for the Heritage 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 benefiting the Heritage Subdivision. (*551.071 Consultation with City Attorney*)

Convened to executive session at 5:56pm. Present: Mayor Todd Purcell, 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, and City Attorney Alan Bojorquez. Recessed at 6:30pm.

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE – Council Member Wade King 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. – Mim James acknowledges Jon Thompson's years of service to the City and Citizens of Dripping Springs.

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, March 22, 2016
- B. Approval of Amended Regular Meeting Minutes, February 9, 2016
- C. Approval of Treasurer's Report for March 2016
- D. Approval of Appointment of Bill Little to the Emergency Management Commission, Term to Expire June 2018
- E. Approval of Acknowledgement of Contractor Disclosure of Interest Form Submitted by Keenan E. Smith
- F. Approval of Professional Services Agreement Between the City of Dripping Springs and Chris Holtkamp for Planning Services
- G. Approval of Professional Services Agreement Between the City of Dripping Springs and James Glosson for Road Inspector Services
- H. Approval of Professional Services Agreement Between the City of Dripping Springs and Luck Design Team for a Master Plan for Dripping Springs Ranch Park
- I. Approval of a Letter Agreement between the Lower Colorado River Authority and the City of Dripping Springs for the Charro Ranch Park Pavilion Project

- J. Approval of Agreement between the City of Dripping Springs and FirstSouthwest, a Division of Hilltop Securities, Inc., for Financial Advisory Services
- K. Approval of 2016 Founders Day Festival Contracts
 - 1. United Site Services of Texas, Inc. for Portable Toilets and Hand Washing Stations
 - 2. Church of the Springs for Trash Pick-Up
 - 3. Veterans of Foreign Wars Post 2933 and Vince F. Taylor American Legion Post 290 for Parking Facilities at The Triangle and Lions Club Field
- L. Approval of Joint Use Agreement for Mountain Bike Trails between City of Dripping Springs and the Dripping Springs Mountain Bike Team
- M. Approval of Ordinance 1510.93: An Ordinance of the City of Dripping Springs, Texas, Amending Section 16.02.055 of Dripping Springs Code of Ordinances to adjust trail use purposes
- N. Approval of Hotel Occupancy Tax Funding Agreement between the City of Dripping Springs and the Brent Thurman Foundation, Inc.
- O. Approval of Resolution 2016-23: A Resolution of the City of Dripping Springs Regarding Deed Restrictions Applicable to Certain City-Owned Property on Little Barton Creek
- P. Approval of Ordinance No. 1070.64: An Ordinance of the City of Dripping Springs, Texas, Amending the Farmers Market Fees in the City's Fee Schedule
- Q. Approval of Request for Reduced Fees for the 2nd Annual Special Education Field Trip to Dripping Springs Ranch Park for the Bailey Kay Hutson Exceptional Rodeo on May 6, 2016
- R. Approval of Proposal from Joseph R. Felkel for Writing Operations and Procedures Manual For Dripping Springs Ranch Park Maintenance Department
- S. Approval of Proposal from Joseph R. Felkel for Writing Operations and Procedures Manual For City of Dripping Springs Public Works/Park Maintenance Department
- T. Approval of the Creation of the Veterans Memorial Park/The Triangle Advisory Committee and Authorization of Mayor Todd Purcell to Appoint the Advisory Committee Members
- U. Approval of the Creation of the Founders Memorial Park Advisory Committee and Authorization of Mayor Todd Purcell to Appoint the Advisory Committee Members
- V. Approval of Proclamation Declaring April 2016 "Sexual Assault Awareness and Prevention Month"
- W. Approval of Proclamation Declaring April 2016 "Child Abuse Prevention and Awareness Month"

Council Member Charles Busbey reads aloud consent item V. Council Member John Kroll reads aloud consent item W. Council Member Charles Busbey motions to approve all consent items except items L and M. Mayor Pro Tem Bill Foulds seconds. VOTE: 4-0 in favor, motion passes.

IX. SUBDIVISIONS

Consideration and Possible Action On:

- A. Replat of Sawyer Ranch Estates, Lot 2, Located at 14020 Sawyer Ranch Road, *Richard McDaniel, Ash & Associates Surveying for Milan Vitolich, Vitolich & Vitolich, Inc., Applicant/Owner*
 - 1. Presentation - None

2. Staff Report (Jon Thompson) - Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval.
3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the replat.
4. Public Hearing – No one speaks
5. Replat – Mayor Pro Tem Bill Foulds motions to approve the replat according to staff's recommendation. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.

X. ZONING

Consideration and Possible Action On:

- A. Ordinance No. 1220.123: An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property: 28706 RR12 (ABS 415 PHILIP A SMITH SURVEY 0.33 AC; R17934, HaysCAD) from Single-Family Residential, Duplex (SF-4) to Local Retail (LR), *Zaman Khair U & Tuulikki Ylostalo, Applicants*

1. Presentation - None
2. Staff Report (Jon Thompson) – Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval.
3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to disapprove of the zoning classification of General Retail (GR), as requested by the applicant, and approve the zoning classification of Local Retail (LR).
4. Public Hearing – No one speaks
5. Ordinance No. 1220.123 - Council Member Charles Busbey motions to approve Ordinance 1220.123 according to staff's and Planning and Zoning Commission's recommendation. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes.

- B. Conditional Use Permit to Allow Domestic Farm Animals at Skybridge Academy, located at 26450 RR 12, *Ariel Dochstader Miller, Skybridge Academy, Owner/Applicant*

1. Presentation – Ariel Dochstader Miller, Owner/Applicant
2. Staff Report (Jon Thompson) – Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval with the following conditions: 1. Veterinarian statement for annual pet exam; 2. Vaccine records; 3. No ectoparasites on the animals present at the school; 4. Living quarters kept clean; 5. No stray animals present; and 6. Handwashing process (protocol) after handling the animals and before re-entering the school a. The handwashing process was further clarified as, "All students, after coming into contact with any of our farm animals, shall enter the building through the garage classrooms and immediately wash their hands with soap and water at the utility room sink. Hand sanitizer will also be available for students to use in addition to washing their hands with soap and water." In addition to these conditions, staff recommends including the conditions approved by the Planning and Zoning Commission that no more than six chickens and two pot belly pigs be allowed.
3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the CUP according to staff's recommendations with the additional conditions that no more than six chickens and two pot belly pigs be allowed,

and to clarify that the Conditional Use Permit will be for two years and be renewed as long as they remain compliant.

4. Public Hearing – No one speaks
5. Conditional Use Permit - Council Member Charles Busbey motions to approve the conditional use permit according to staff's and Planning and Zoning Commission's recommendations. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes.

XI. BOARD OF ADJUSTMENT

Consideration and Possible Action on:

- A. Arrowhead Ranch Subdivision Sign Variance Requests for Subdivision Entrance Signs, located at Arrowhead Ranch Blvd., *Peter Dufrene, AIA, PLA, Project Director*
 1. Presentation – Peter Dufrene, Project Director
 2. Sign Administrator's Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of both variances contingent upon the approval of the license agreement and payment of the related fees.
 3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve both variances according to staff's recommendation.
 4. Public Hearing – No one speaks
 5. Variance Request to Allow Subdivision Entrance Sign to Exceed the Maximum Height Allowed
 6. Variance Request to Allow Subdivision Entrance Signs to be Located within the Public Right of Way – Mayor Pro Tem Bill Foulds motions to approve both variance requests according to staff's recommendation. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes.

XII. PARKS AND RECREATION

Consideration and Possible Action On:

- A. Request from Dripping Springs Youth Sports Association to Place Storage Container at Founders Memorial Park
 1. Presentation – Emily Hunt
 2. Staff and Parks and Recreation Commission Report (Michelle Fischer) – City Administrator Michelle Fischer states that staff recommends approval of the request and that the containers be located by the tree line.
 3. Request to Place Storage Container - Council Member John Kroll motions to approve the request according to staff's recommendation, that the containers be maintained in an aesthetically pleasing manner, and that the final location and color be approved by the City Administrator. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes.
- B. Co-Sponsorship Agreement between the City of Dripping Springs and Hill Country Alliance for Rainwater Revival at Dripping Springs Ranch Park (*Sponsor: Mayor Pro Tem Bill Foulds*)
 1. Staff Report (Lynne Dickinson) – DSRP Manager Lynne Dickinson, report on file. Staff recommends a City Sponsorship of \$500 to be given in reduced fees for the event in exchange for the "Showers" level sponsorship.

2. Co-Sponsorship Agreement – Mayor Pro Tem Bill Foulds motions to approve the agreement and sponsorship according to staff’s recommendation. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes.

XIII. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1803.79: An Ordinance of the City of Dripping Springs Annexing the Following City-Owned Property into the Corporate City Limits: 25.7398 acres out of Anarene Investments Tract (Special Warranty Deed Recorded as Document 2015-15012756, OPR Book, Volume 5200, Page 887), and 5.394 acres out of the Cannon Family Tract (Special Warranty Deed Recorded as Document 2012-12030541, OPR Book, Volume 4467, Page 508) – Mayor Pro Tem Bill Foulds motions to approve Ordinance 1803.79. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes.
- B. Public Hearing for Annexation into the city limits of the City of Dripping Springs, that being approximately 213.330 acres located within the extraterritorial jurisdiction of Dripping Springs, in Hays County, Texas, and as more particularly identified in the list below, and commencement of the public notice and hearing process: a) 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. b) 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. c) 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. d) 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. e) 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. f) 3.03 acres conveyed to Billie Garnett by deed recorded in Volume 398, Page 7, of the deed of records of Hays County, Texas. g) 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. h) 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. – No one speaks
- C. Resolution No. 2016-21: A Resolution Granting the Consent of the City of Dripping Springs, Texas, to the Creation of Hays County Emergency Services District No. 9
 1. Presentation - None
 2. Staff Report – City Administrator Michelle Fischer states that staff recommends approval of Resolution 2016-21.
 3. Resolution 2016-21 - Council Member Charles Busbey motions to approve the resolution according to staff’s recommendation. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes.
- D. Review of Inspection Report on Triangle Firehall located at 27500 Ranch Road 12 and Discussion and Possible Action Regarding Lease Agreement for the Triangle Firehall and Triangle with the Veterans of Foreign Wars Post 2933 and American Legion Post 290 (*Sponsor: Mayor Purcell*) – Mayor Pro Tem Bill Foulds motions to have staff get estimates

for demolition of the building prior to taking any official action. Council Member John Kroll seconds. VOTE: 3-0-1 in favor, Council Member Charles Busbey abstains, motion passes.

E. Extension of Foster Ranch Development Agreement (aka Belterra Development Agreement) between Crescent Belterra TX, LLC and the City of Dripping Springs, Texas

1. Staff Report – Deputy City Administrator Ginger Faught states that staff recommends approval of the agreement extension.
2. Extension of Development Agreement - Council Member Wade King motions to approve the agreement extension according to staff's recommendation. Mayor Pro Tem Bill Foulds seconds. VOTE: 4-0 in favor, motion passes.

F. Ordinance No. 1100.69: An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2016 Budget Transferring \$10,885.00 from the Ag Facility Fund to Dripping Springs Ranch Park

1. Public Hearing – No one speaks
2. Ordinance 1100.69 - Council Member Charles Busbey motions to approve Ordinance 1100.69. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes.

G. License Agreement between the City of Dripping Springs and Forestar (USA) Real Estate, Inc., for the Construction and Maintenance of Improvements in Arrowhead Ranch Boulevard – Deputy City Administrator Ginger Faught states that staff recommends approval of the agreement. Council Member Charles Busbey motions to approve the agreement according to staff's recommendation. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes.

H. Personnel: Discussion and action on items discussed in Executive Session. – Council Member John Kroll motions to approve the resolution and give staff the authority to hire. Council Member Charles Busbey 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

XV. ANNOUNCEMENTS

- A. Regular City Council Meeting, April 19, 2016 at 6:00 p.m.
- B. Regular Emergency Management Commission Meeting, April 21, 2016 at 5:00 p.m.
- C. Regular Transportation Committee Meeting, April 25, 2016 at 3:30 p.m.
- D. Regular Planning & Zoning Commission Meeting, April 26, 2016 at 7:00 p.m.
- E. Regular Economic Development Committee Meeting, April 27, 2016 at 4:00 p.m.

XVI. ADJOURN - Council Member Wade King motions to adjourn the meeting. Council Member John Kroll seconds. VOTE: 4-0 in favor, motion passes. Meeting adjourns at 7:38pm.