

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, March 8, 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 calls the meeting to order at 5:30pm. All present except City Treasurer Gina Gillis.

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. Consult 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 (551.071 Consultation with City Attorney and 551.074 Personnel Matters)
- B. Consult with City Attorney Regarding Amendments to Wholesale Water Agreement Between LCRA (Assigned to West Travis County Public Utility Agency) and City of Dripping Springs (551.071 Consultation with City Attorney)
- C. Consultation with City Attorney regarding the Second Amended and Restated Wastewater Utility Agreement between the City of Dripping Springs and Forestar (USA) Real Estate

Group Inc., a Delaware corporation, for the Arrowhead Ranch Development (551.071 Consultation with City Attorney)

D. 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)

E. Consultation with City Attorney regarding Chapter 380 Program and Policies (551.071 Consultation with Attorney)

Convened to executive session at 6:20pm. 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, Deputy City Administrator Ginger Faught, Director of Public Works and Development Rick Coneway, City Attorney Alan Bojorquez and Special Counsel David Tuckfield. Reconvened to the regular meeting at 7:00pm.

Council Member John Kroll motions to authorize City staff to take action on Executive Session item A as discussed in Executive Session. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

Council Member John Kroll motions to authorize staff to prepare a letter regarding Executive Session item E as discussed in Executive Session. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

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.

Wes Pitts - from Onion Creek Coalition, speaks in opposition to potential effluent discharge into Onion Creek.

Debra Hertzal – speaks in opposition to potential effluent discharge into Onion Creek.

Richard Bays – speaks in opposition to potential effluent discharge into Onion Creek.

Nancy Cunningham – Hill Country Senior Citizen Center, speaks about flooding issues at the Center due to flooding from HWY 290.

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, February 16, 2016
- B. Approval of Special Meeting Minutes, February 17, 2016
- C. Approval of Treasurer's Report for February 2016
- D. Approval of Ordinance No. 1630.35 - An Ordinance Cancelling the May 7, 2016 General Election and Declaring Each Unopposed Candidate Elected To Office; Providing That This Ordinance Shall Be Cumulative of all Ordinances; Providing a Severability Clause and Providing an Effective Date

Aprobación de la Ordenanza N° 1630.35 – Una Ordenanza Cancelando la Elecciones Generales del día 07 de Mayo 2016 y Declarando Cada Candidato Sin Oposición; A Condición de que esta Ordenanza Será Acumulativo de Todas Las Ordenanzas; Proporcionando una Cláusula de Divisibilidad y Proporcionando una Fecha Efectiva.
- E. Approval of Appointment of Curt Marek to serve as Vice Chair of the Emergency Management Commission, Term to expire June 2018
- F. Approval of Appointment of Walt Krudop and Mike Jones to the Emergency Management Commission, Terms to Expire June 2018
- G. Approval of Special Event Co-Sponsorship Agreement between the City of Dripping Springs and Dripping Springs High School Project Graduation 2016 for the DSHS Project Graduation Spring Golf Tournament Being Held on April 11, 2016, *Paula Hawkins, Applicant (Sponsor: Mayor Todd Purcell)*
- H. Approval of Special Event Co-Sponsorship Agreement Between the City of Dripping Springs and Dripping Springs High School Project Graduation 2016 for the DSHS Project Graduation Spring Kendra Scott Jewelry Trunk Show Being Held on April 26, 2016, *Paula Hawkins, Applicant (Sponsor: Mayor Todd Purcell)*
- I. Approval of Resolution 2015-23: A Resolution of the City of Dripping Springs Changing the Name of a Portion of an Existing Street to "Event Center Drive"
- J. Approval of Ordinance 1150.40: An Ordinance of the City Council of the City Of Dripping Springs, Texas, Repealing Ordinance No. 1150.1 And Ordinance No. 1150.30 Providing For The Ad Valorem Taxation Of Tangible Personal Property In Transit And Replacing With An Ordinance Repealing The Ad Valorem Taxation And Authorizing An Exemption, Amending Title 1, Chapter 1, Article 1.04 Of The Dripping Springs Code Of Ordinances By Adding A New Division 4, And Providing For Repealer And Severability
- K. Approval of City of Dripping Springs' Consent to the Assignment and Assumption Agreement for the Agreement Concerning Creation and Operation of Springhollow Municipal Utility District and Amendment No. 1 to Said Agreement
- L. Approval of Rental Agreement between the City of Dripping Springs and the Lockhart Chamber of Commerce to Lease Portable Bleachers for the Chisholm Trail Roundup on June 9-11, 2016, for a rental fee of \$4,600
- M. Approval of Resolution No. 2016-16: A Resolution of the City of Dripping Springs Approving an Agreement Between the City and Texas Department of Transportation for the Temporary Closure of State Right of Way for the Founders Day Parade on April 22, 2016
- N. Approval of Amendment #2 to the Agreement Between the City of Dripping Springs and HDR Engineering for Engineering Services

O. Approval of Proposal for Electrical Repairs and Upgrades for Mercer Street and Surrounding Downtown Area from Purcell Electrical

Mayor Todd Purcell recuses himself from the Consent Agenda due to a potential conflict of interest.

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

Mayor Todd Purcell returns to the meeting.

IX. BOARD OF ADJUSTMENT

Consideration and Possible Action on:

A. Sign Variance Requests for The Retreat at Dripping Springs for Subdivision Entrance Sign, Lot 1, Burrows Subdivision, *Jessica King, Brookfield Residential, Applicant*

1. Presentation - None
2. Sign Administrator's Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of both variance requests.
3. Planning & Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve both variance requests.
4. Public Hearing – No one speaks
5. Variance to Allow Subdivision Entrance Sign to Exceed Maximum Signable Area Allowed
6. Variance to Allow Subdivision Entrance Sign to Exceed the Maximum Height Allowed – Mayor Pro Tem Bill Foulds motions to approve both variance requests according to staff's recommendation. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

B. Sign Variance Request to Allow a Monument Sign to be Located Less than Eight Feet Back from Right-of-Way, 222 Highway 290, *Charlie Haydon, Applicant*

1. Presentation - None
2. Sign Administrator's Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of the variance request with the condition that should it need to be removed or altered due to roadway, sidewalk, or utility repairs, maintenance, or construction, it will be done so at the owner's expense.
3. Planning & Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the variance request according to staff's recommendation.
4. Public Hearing – No one speaks
5. Variance to Allow a Monument Sign to be Located Less than Eight Feet Back from Right-of-Way - 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.

X. DEVELOPMENT AGREEMENT

Consideration and Possible Action On:

- A. First Amendment to Development Agreement - Caliterra Subdivision, between the City of Dripping Springs and Development Solutions, CAT, LLC, to Amend Exhibit C, Project Approvals, Item 2; *Kevin Kendrick, PE, Development Solutions, CAT, LLC, Applicant*
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 agreement according to staff's recommendation.
 4. Public Hearing – No one speaks
 5. First Amendment to Development Agreement - Caliterra Subdivision - Council Member John Kroll motions to approve the amended development agreement according to staff's recommendation. Council Member Santos Alba seconds. VOTE: 4-0-1 in favor, Council Member Charles Busbey abstains, motion passes.

XI. UTILITIES AND PUBLIC WORKS

- A. Second Amended and Restated Wastewater Utility Agreement between the City of Dripping Springs and Forestar (USA) Real Estate Group Incorporated, a Delaware Corporation for 374.2 acres of land known as the Arrowhead Ranch Development and the Fellers Tract (*Sponsor: Mayor Pro Tem Bill Foulds*) – Mayor Pro Tem Bill Foulds motions to approve the agreement pending final review by Special Counsel David Tuckfield. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XII. PARKS AND RECREATION

- A. Application for Co-Sponsorship Agreement between the City of Dripping Springs and Red Arena, Inc. for the Annual Red Arena Round-Up to be Held at Dripping Springs Ranch Park on June 4, 2016 (*Sponsor: Mayor Todd Purcell*)
1. Staff Report (Lynne Dickinson) – DSRP Manager Lynne Dickinson, report on file. Staff recommends approval.
 2. Co-Sponsorship Agreement Application - Council Member John Kroll motions to approve the application according to staff's recommendation. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.
- B. Request from Scott Godwin to Provide Services in Exchange for Rental Fees for the Dripping Springs Ranch Park Special Event Room, Specifically Cleaning, Scrubbing and Polishing the Special Event Room Floor (*Sponsor: Mayor Todd Purcell*)
1. Staff Report (Lynne Dickinson) - DSRP Manager Lynne Dickinson, report on file. Staff recommends approval.
 2. Request to Provide Services in Exchange for Rental Fees - Council Member John Kroll motions to approve the request according to staff's recommendation. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.
- C. Resolution No. 2016-17: A Resolution of the City of Dripping Springs Amending the Dripping Springs Ranch Park Rental Policy to Allow Horse Show Managers or Producers to Receive One Free RV Spot and Two Free Stalls for Their Show (*Sponsor: Mayor Todd Purcell*)

1. Staff Report (Lynne Dickinson) - DSRP Manager Lynne Dickinson, report on file. Staff recommends approval.
 2. Resolution 2016-17 - Council Member John Kroll motions to approve the resolution according to staff's recommendation. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.
- D. Discussion Regarding Agreement between the City of Dripping Springs and Vintage Market Days for Use of Dripping Springs Ranch Park (*Sponsor: Mayor Purcell*)
1. Staff Report (Lynne Dickinson) – No report available. No action taken.
- E. Application for Co-Sponsorship Agreement between the City of Dripping Springs and D Bar S Roping for Weekly Roping Practices, Roping Competitions, and the Keeping of Cattle at Dripping Springs Ranch Park (*Sponsor: Mayor Todd Purcell*)
1. Staff Report (Lynne Dickinson) - DSRP Manager Lynne Dickinson, report on file. Staff recommends a new co-sponsorship with D Bar S to include the club paying for all cattle fees and upkeep and paying rental fees on the nights of their practices as proposed. Should the club decide to hold roping competitions in the future, they would pay the posted rental fees for those events.
 2. Application - Council Member John Kroll motions to approve the application according to staff's recommendation. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.
- F. TurnKey Vacation Rentals Owner Agreement between the City of Dripping Springs and TurnKey Vacation Rentals, Inc. for the Dripping Springs Ranch Park Ranch House (*Sponsor: Mayor Purcell*)
1. Staff Report (Lynne Dickinson) - DSRP Manager Lynne Dickinson, report on file. Staff recommends approval.
 2. Agreement - Council Member John Kroll motions to approve the agreement according to staff's recommendation. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.

XIII. BUSINESS

Consideration and Possible Action On:

A. Fiscal Year 2015 Audit

1. Presentation, *Don Allman, CPA*
2. Acceptance of Audit - Council Member Charles Busbey motions to accept the FY 2015 audit. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.

B. Public Hearing on Proposed Annexation for Inclusion of the Following City-Owned Properties into the City of Dripping Springs Corporate City Limits: Namely 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) – No one speaks.

C. Ordinance No. 1803.78: An Ordinance of the City of Dripping Springs Annexing the Following Property Into the Corporate City Limits: 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.

1. Ordinance No. 1803.78 – First Reading of Ordinance 1803.78. Mayor Pro Tem Bill Foulds motions to approve the institution of proceedings for Ordinance 1803.78. Council Member Santos Alba seconds. VOTE: 4-0-1 in favor, Council Member John Kroll abstains, motion passes.

D. Ordinance 1910.21: An Ordinance Of The City Of Dripping Springs Amending Volume 1, Article 2.04, Chapter 2 Of The Dripping Springs Code Of Ordinances; Amending Provisions Of The Emergency Management Commission To Add Activities; And Providing For The Following: Findings Of Fact; Enactment; Repealer; Severability; Codification; Effective Date; And Proper Notice And Meeting (*Sponsor: Mayor Purcell*)

1. Staff Report (Michelle Fischer) - City Administrator Michelle Fischer, report on file. Staff recommends approval of the ordinance.
2. Public Hearing – No one speaks.
3. Ordinance 1910.21 - Council Member Santos Alb motions to approve Ordinance 1910.21. Council Member Charles Busbey seconds. VOTE: 5-0 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 Emergency Management Commission Meeting, March 17, 2016 at 5:00 p.m.
- B. Regular Parks and Recreation Commission Meeting, March 21, 2016 at 6:00 p.m.
- C. Regular City Council Meeting, March 22, 2016 at 6:00 p.m.

XVI. **ADJOURN** - Council Member Santos Alba motions to adjourn the meeting. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 7:30pm.