

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, February 16, 2016, beginning at 6:00 PM at City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL - 6:00 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

Mayor Todd Purcell calls the meeting to order at 6:00pm. All present except Director of Public Works and Development Rick Coneway and Code Enforcement Manager Jon Thompson. Also present are City Attorney Alan Bojorquez and DSRP Manager Lynne Dickinson.

II. 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 (Tex. Gov't Code §§551.071 and 551.074).

Convened to executive session at 6:39pm. Present: Mayor Todd Purcell, Mayor Pro Tem Bill Foulds, Council Member Santos Alba, Council Member Charles Busbey, Council Member Wade King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Special Counsel David Tuckfield and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 7:15pm.

III. PLEDGE OF ALLEGIANCE – Council Member Charles Busbey leads the Pledge of Allegiance.

IV. 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. - Lyndon Wilson states that he is the new store manager at our Home Depot and wanted to introduce himself.

V. 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, January 19, 2016
- B. Approval of Regular Meeting Minutes, February 9, 2016
- C. Approval of Special Event Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce for First Thursday Events April 2016 Through October 2016 (*Sponsor: Mayor Pro Tem Foulds*)
- D. Approval of Special Event Co-Sponsorship Application 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)*
- E. Approval of Special Event Co-Sponsorship Application 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)*
- F. Approval of Proposal from T.F. Harper & Associates for Founders Memorial Park Toddler Playground Renovation
- G. Approval of Donation Agreement between the City of Dripping Springs and the Dripping Springs Rotary Club for Founders Memorial Park Improvements
- H. Approval of Facilities Use Agreement Between the City of Dripping Springs, Dripping Springs Independent School District and the Dripping Springs Lions Club related to use of facilities for 2016 Founders Day Festival
- I. Approval of 2016 Founders Day Festival Contracts
 - 1. St. Martin de Porres Catholic Church for Arts, Craft, and Business Vendor Booths
 - 2. St. Martin de Porres Knights of Columbus Council for the Sale of Beer and Wine
 - 3. Dripping Springs Cook Off Club for Cook Off
 - 4. Dripping Springs Lions Club for the Mighty Thomas Carnival
 - 5. Dripping Springs Lions Club for Food Vendor Booths
- J. Approval of Professional Service Agreements with Alan Plummer Associates, Inc. and Gilpin Engineering Company to provide staff support to the Department of Public Works and Development
- K. Approval of Revised Job Description for Dripping Springs Farmers Market Manager and Authorization for City Administrator to Hire Market Manager

Council Member Santos Alba motions to approve consent items. Council Member Wade King seconds. VOTE: 4-0 in favor, motion passes. Council Member John Kroll joins the meeting after the vote.

VI. PARKS AND RECREATION

Consideration and Possible Action On:

- A. Request for Reduced Commercial Activity Park Use Fees for Tinkergarten Dripping Springs, Meghan Fitzgerald, Tinkergarten (*Sponsor: Council Member Wade King*)
 - 1. Presentation – Sarah Maxwell, Tinkergarten Representative
 - 2. Staff Report (M Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval of the \$6 per session fee.
 - 3. Request - Council Member Santos Alba motions to approve the request according to staff's recommendation. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Request from Dripping Springs Independent School District Middle School & High School Mountain Biking Club for the Construction, Designation, and Use of Bicycle Trails at Dripping Springs Ranch Park (*Sponsor: Council Member Wade King*)
 - 1. Presentation – Lance Thornton, Head Coach DSISD Mountain Bike Team
 - 2. Staff Report (Lynne Dickinson) – DSRP Manager Lynne Dickinson, report on file. Staff recommends approval.
 - 3. Parks and Recreation Commission Report – The Commission voted to recommend approval of the request on February 8, 2016.
 - 4. Request – Council Member Wade King motions to approve the request. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- C. Designation of Mountain Biking/Biking Trails at Dripping Springs Ranch Park (*Sponsor: Council Member Wade King*)
 - 1. Staff Report (Lynne Dickinson) - DSRP Manager Lynne Dickinson, report on file. Staff recommends approval.
 - 2. Parks and Recreation Commission Report - The Commission voted to recommend approval of the request on February 8, 2016.
 - 3. Designation of Mountain Biking/Biking Trails – Council Member Wade King motions to approve the designation of the trails. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- D. Request from Vintage Market Days to have an exclusive contract with Dripping Springs Ranch Park for Vintage and Vintage-Type Sales Events (*Sponsor: Council Member Wade King*) – Sherry Cotton, Vintage Market Days Manager, presents their request to Council. No action taken.

VII. BUSINESS

Consideration and Possible Action On:

- A. Authorization for Submission of City of Dripping Springs Application to the Texas Department of Agriculture's Texas Rural Internship Program (*Sponsor: Mayor Todd Purcell*) – Mayor Pro Tem Bill Foulds motions to authorize staff to submit the application. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Resolution 2016-15: A Resolution of the City of Dripping Springs Adopting a Public Improvement District Policy; Making Findings of Fact; and Providing for Related Matters
 - 1. Staff Report (Ginger Faught) – Deputy City Administrator Ginger Faught, report on file. Staff recommends approval.
 - 2. Public Hearing – No one speaks

3. Resolution 2016-15 - Council Member Santos Alba motions to approve Resolution 2016-15. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

Council Member John Kroll recuses himself from Business Agenda Item C.

- C. Public Hearing on Proposed Annexation for Inclusion of the Following Property into the City of Dripping Springs Corporate City Limits: Approximately 189 acres located within the extraterritorial jurisdiction of Dripping Springs, in Hays County, Texas, commonly known as "Heritage Subdivision" and as more particularly identified in the list below:

34.247 acres in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 34.29 acre tract conveyed to John Marcus Baird by deed dated January 13, 1993 and recorded in Volume 971, Page 116 of the deed of records of Hays County, Texas.

50.206 acres in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a tract called the East Part of 152.47 acres conveyed to John Marcus Baird by general warranty deed dated May 9, 1978 and recorded in Volume 310, Page 718 of the deed of records of Hays County, Texas, same being a portion of a 152.47 acre tract conveyed to Edna Earl Baird by deed dated February 19, 1937 and recorded in Volume 154, Page 59 of the deed of records of Hays County, Texas.

94.695 acres (approx. 4,124,910 sq. ft.) in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 119.7 acre tract conveyed to Nelson M. Davidson and Doris Breed Davidson by deed dated June 23, 1952 and recorded in Volume 154, Page 290 of the deed of records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed of records of Hays County, Texas.

8.119 acres (approx. 353,664 sq. ft.) in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 9.008 acre tract conveyed to Mickey Davidson Kroll, Nelson M. Davidson, Jr., and wife Barbara Watkins Davidson by warranty deed with vendors lien dated November 7, 2002 and recorded in Volume 2102, Page 453 of the official public records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed of records of Hays County, Texas.

1.676 acres (approx. 73,006 sq. ft.) in the Philip Smith Survey, Abstract 415, Hays County, Texas, being a portion of a 119.7 acre tract conveyed to Nelson M. Davidson and Doris Breed Davidson by deed dated June 23, 1952 and recorded in Volume 154, Page 290 of the deed of records of Hays County, Texas, and being a portion of Tract 1, P.I. Turner Subdivision, a subdivision of record in Volume 133, Page 444 of the deed records of Hays County, Texas.

No one speaks. No action taken.

- D. Ordinance No. 1460.19: An Ordinance of the City of Dripping Springs Restricting the Use of Wireless Communication Devices while Operating a Motor Vehicle in the City of Dripping Springs; Providing for Findings of Fact, Enactment, Repealer, Severability, Criminal Fines not to exceed \$500.00 per Offence; Effective Date, Codification, and Proper Notice and Meeting (*Sponsor: Mayor Todd Purcell*)

1. Public Hearing – No one speaks
2. Ordinance 1460.19 – Mayor Pro Tem Bill Foulds motions to authorize staff to draft an ordinance similar to the ordinance from West Lake Hills. Council Member Santos Alba seconds. VOTE: 3-2 in denial of drafting the ordinance, Council Members John Kroll, Charles Busbey and Wade King vote Nay, motion to draft the ordinance fails.

E. Reconsideration of 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*) - Council Member John Kroll states that because Forestar has not accepted the approved utility agreement and because of missteps already made by Forestar he motions that Council revoke its approval of the utility agreement between the City and Forestar, but approve an agreement at the March 8, 2016 City Council meeting contingent upon the following: 1) Section 3.1(e)(i) is amended to limit pump and haul to 50 LUEs, 2) our City engineering consultant Robby Callegari approves the permit amendment that Forestar has already submitted to TCEQ which should have been approved by Council prior, 3) Forestar brings their existing pump and haul facilities into compliance with our ordinances and the approved site plan that we approved, and that they replace and re-build those pump and haul facilities in accordance with the plans that were previously approved by the City Engineer, and 4) Forestar provides the City with an executed copy of this agreement as set forth in this motion for Council to vote on at the March 8, 2016 City Council meeting. Council Member Santos Alba seconds. Council Member John Kroll directs staff to notify Forestar that they are not in compliance with their site plan. This was negotiated months ago and it needs to be finalized. VOTE: 5-0 in favor, motion passes.

VIII. ANNOUNCEMENTS

- A. Regular Emergency Management Commission Meeting, February 18, 2016 at 5:00pm
- B. Regular Transportation Committee Meeting, February 22, 2016 at 3:30pm
- C. Regular Founders Day Commission Meeting, February 22, 2016 at 6:30pm
- D. Regular Planning & Zoning Commission Meeting, February 23, 2016 at 7:00pm
- E. Regular Historic Preservation Commission Meeting, March 7, 2016 at 6:30pm
- F. Regular Farmers Market Association Board Meeting, March 8, 2016 at 10:00am
- G. Regular City Council Meeting, March 8, 2016 at 7:00pm

IX. **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 7:22pm.