

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, February 9, 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 5:40pm. All present except Director of Public Works and Development Rick Coneway and City Administrator Michelle Fischer.

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 Amendment to Interlocal Cooperation Agreement with Hays County Sheriff's Office for the Enforcement of a Hands-Free Ordinance (551.071 Consultation with City Attorney)
- B. 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)
- 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 City Attorney)

Consultation with Attorney and 551:072 Purchase, Exchange, Lease or Value of Real Property)

- D. Consultation with City Attorney regarding Regarding Legal Aspects of Proposed Extraterritorial Jurisdiction Transfer and Related Transactions with the Cities of Kyle and Mountain City Regarding the Dahlstrom's Tract and Clark Wilson's Anthem Development Project (551.071 Consultation with City Attorney)
- E. Consultation with City Attorney regarding Outdoor Lighting Variances and Lighting Mitigation Plan approved for Dripping Springs Independent School District for lights at Dripping Springs High School Athletic Facility Improvements, Located at 940 US Hwy 290 (551.071 Consultation with City Attorney)
- F. Consultation with City Attorney Regarding City Hall Office Allocation and Municipal Court Designations Under House Bill 910 (551.071 Consultation with City Attorney)
- G. Consultation with City Attorney Regarding Statutory Process for Procurement of Professional Services Agreements for Engineering Services and Land Planning Services (551.071 Consultation with City Attorney)

Convened to executive session at 5:52pm. 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, City Attorney Alan Bojorquez, Special Counsels David Tuckfield, and Robby Calligari. Reconvened to the regular meeting at 7:05pm.

IV. RECESS

V. RECONVENE AT 7:05 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.

- A. Presentation by the North Hays County Emergency Services District #1 Regarding an Election to Raise the Tax Rate Ceiling for Emergency Services District #1

Wes Pitts – Lives at 600 Garden Hill Road – States his opposition to the discharge of effluent into Onion Creek.

Jim Swisher – Speaks about the areas around Dripping Springs with and without Emergency Service Districts, and the creation of Emergency Service District #9.

Deborah Hercroc – States her opposition to the discharge of effluent into Onion Creek.

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 Treasurer's Report for January 2016

- B. Approval of Appointment of Jake Adams to Serve on the Founders Day Commission, Term to Expire June 2017
- C. Approval of Ordinance No. 1630.34 - An Ordinance of the City Council of the City of Dripping Springs, Texas, Calling the General Election for Officers to be Held Within Said Municipality On May 7, 2016, and Making Provision for the Conduct of the Election and Resolving Other Matters Incident and Relating to the Holding of Such Election

Ordenanza No. 1630.34 – Por orden del Concilio Municipal de la Ciudad de Dripping Springs, Tejas, se anuncia la Elección General de oficiales que tomaran lugar dentro del municipio dicho el 2nd Sábado en Mayo, cual es la fecha uniforme para Elección, el día 7 de Mayo de 2016. Criando la conducta de tal elección y resolviendo cualquier otros incidentes relacionados y referente a la tenencia de tal elección

- D. Approval of Contract for Election Services between the City of Dripping Springs and the Hays County Elections Officer for the May 7, 2016 Municipal Election

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Oficial de Elecciones del condado de Hays para la Elección Municipal el día 7 de Mayo 2016

- E. Approval of Contract for Election Services between the City of Dripping Springs and the Dripping Springs Independent School District for the May 7, 2016 Municipal Election

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Distrito Independiente de Escuelas de Dripping Springs para la Elección Municipal el día 7 de Mayo 2016

- F. Approval of Ordinance 1150.30: An Ordinance of the City Council of the City of Dripping Springs, Texas, Amending Title 1, Chapter 1, Article 1.04 of the Dripping Springs Code of Ordinances by Adding a New Division 4, Providing for the Ad Valorem Taxation of Tangible Personal Property In Transit; and Providing for Repealer and Severability.
- G. Approval of Hotel Occupancy Tax Funding Agreement between the City of Dripping Springs and SAXET Gun Show
- H. Approval of Appointment of Scott Collard to the City of Dripping Springs Emergency Management Commission (*Sponsor: Mayor Todd Purcell*)
- I. Approval of Special Event Co-Sponsorship Application Between the City of Dripping Springs and Dripping Springs Wild Game Dinner for the 26th Annual Dripping Springs Wild Game Dinner Being Held on February 20, 2016, *Shawn Taylor, Applicant (Sponsor: Council Member Charles Busbey)* – Mayor Pro Tem Bill Foulds motions to approve consent items. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

IX. BUSINESS

Consideration and Possible Action On:

- A. Request from 2nd Grade Students from Walnut Springs Elementary School to install a Little Free Libraries in the Mercer Street Historic District and at Founders Memorial Park, *Kari Potter, Sponsor* – Council Member John Kroll motions to approve the request. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

X. BOARD OF ADJUSTMENT

Consideration and Possible Action On:

A. Dripping Springs Farmers Market Master Sign Plan, *Marianne Simmons, Dripping Springs Farmers Market Association Board President*

1. Presentation – Marianne Simmons, Farmers Market Association Board President
2. Sign Administrator's Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval.
3. Parks & Recreation Commission Report – The Commission approved the request on January 11, 2016.
4. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission approved the request on January 26, 2016.
5. Public Hearing – Pam Owens, Chamber of Commerce, speaks in favor of this item. Teresa Strube, Farmers Market Board Member, speaks in favor of this item.
6. Variance Request to Allow the Number of Special Event Signs to Exceed Maximum Allowed Per Property
7. Variance Request to Allow the Display of Special Event Signs to Exceed the Maximum Number of Times Allowed
8. Variance Request to Allow the Display of Two Community Service Banners to Exceed the Maximum Time Period Allowed
9. Master Sign Plan – Council Member Santos Alba motions to approve the variance requests and master sign plan as recommended by staff. Council Member Wade King seconds. Council Member John Kroll states that he would prefer the City revisit the Sign Ordinance rather than continuing to request variances from it's own ordinance. VOTE: 4-1 in favor, Council Member John Kroll votes Nay, motion passes.

B. Belterra Subdivision Sign Variance Requests and Master Sign Plan for San Saba Entry Signs and Neighborhood Entrance Signs, *Peter Dufrene, PLA, Project Director, Representative of Crescent Communities, Applicant*

1. Presentation – Peter Dufrene, Applicant's Representative
2. Sign Administrator's Report (Michelle Fischer) – City Administrator Michelle Fischer, report on file. Staff recommends approval with the following conditions: The San Saba signs in the right of way will be moved or altered at the applicant's/owner's expense if required for future roadway or utility expansion or repair; the City Engineer approves the locations of the signs within the right-of-way; and the signs shall comply with the current City of Dripping Springs Lighting Ordinance regulations for illuminated signage.
3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission approved the request on January 26, 2016.
4. Public Hearing – No one speaks
5. Variance Request to Allow San Saba Entry Signs to Exceed the Maximum Height Allowed
6. Variance Request to Allow San Saba Entry Signs to be Located within the Public Right of Way
7. Variance Request to Allow Neighborhood Entrance Signs to Exceed the Maximum Height Allowed – Mayor Pro Tem Bill Foulds motions to approve the variance requests and master sign plan as recommended by staff. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

XI. ZONING

Consideration and Possible Action On:

- A. Ordinance No. 1220.121: An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property: Lot 1 of the Gardens of Howard Ranch Subdivision, out of the Stiles J Fowler Survey, A0174 (not addressed) from Agricultural (A) to Single-Family Residential, Town Center (SF-3), *Bill E. Couch, P.G., AICP CEP, Applicant*
1. Presentation – Brett Pastorel, Engineer
 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 approved the request on January 26, 2016.
 4. Public Hearing – No one speaks
 5. Ordinance No. 1220.121 - Council Member Wade King motions to approve Ordinance 1220.121. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XII. BUSINESS

Consideration and Possible Action On:

- A. Presentation Regarding Special Event Permit and Temporary Street Closure for Mercer Street and Surrounding Streets on August 13, 2016 for the Hill Country Rally for Kids Car Show, *Cody Reeves, President of Hill Country Rally for Kids (Sponsor: Councilman Busbey)* – Presentation given by Cody Reeves. No action taken.
- B. Report from Engineer Procurement Evaluation Committee regarding Engineering Proposals Received for Community Development Block Grant (Contract No. 7215129) for Water System Improvements (*Sponsor: Councilman Santos Alba*) – Deputy City Administrator Ginger Faught, report on file. No action taken.
- C. Award of Engineering Contract for Community Development Block Grant (Contract No. 7215129) for Water System Project (*Sponsor: Councilman Santos Alba*)
- D. Resolution No. 2016-14 A Resolution of the City Council of the City of Dripping Springs, Texas Designating Representatives to Execute Vouchers and Certain Requests for Advance or Reimbursement and Contract Amendments or Budget Modifications During the Implementation of the 2015 Texas Community Development Program Funded Water System Improvements Project #7215125. (*Sponsor: Councilman Santos Alba*) – Mayor Pro Tem Bill Foulds motions to approve Business agenda items C. and D. according to staff's recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- E. Approval and acceptance of Petition 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.
- 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.
- 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.
- 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.

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.

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.

3.03 acres conveyed to Billie Garnett by deed recorded in Volume 398, Page 7, of the deed of records of Hays County, Texas.

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.

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. Staff Report (Ginger Faught) – Deputy City Administrator Ginger Faught, report on file. Staff recommends
2. Public Hearing – No one speaks
3. Acceptance of Petition - Council Member Charles Busbey motions to accept the petition. Council Member John Kroll seconds. VOTE: 4-0-1 in favor, Council Member Santos Alba abstains due to a potential conflict of interest, motion passes.

Council re-convenes into Executive Session at 8:23pm. 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, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 8:45pm.

XIII. 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

XIV. ANNOUNCEMENTS

- A. Regular City Council Meeting, February 16, 2016 at 6:00 p.m.
- B. Regular Transportation Committee Meeting, February 22, 2016 at 3:30 p.m.
- C. Regular Founders Day Commission Meeting, February 22, 2016 at 6:30 p.m.
- D. Regular Planning & Zoning Commission Meeting, February 23, 2016 at 7:00 p.m.
- E. Regular Historic Preservation Commission Meeting, March 7, 2016 at 5:30 p.m.
- F. Regular Farmers Market Association Board Meeting, March 8, 2016 at 10:00 a.m.
- G. Regular City Council Meeting, March 8, 2016 at 7:00 p.m.

- XV. **ADJOURN** - Council Member Charles Busbey motions to adjourn the meeting. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 8:50pm.