

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, January 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 Pro Tem Bill Foulds calls the meeting to order at 5:40pm. All present except Mayor Todd Purcell. Also present is Financial Consultant Chris Lane.

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 Legal Options Available for Limiting Rental Opportunities for Certain Classifications of Vendors and Providing Exclusivity to Certain Renters (551.071 Consultation with City Attorney)

B. Consultation with City Attorney Regarding Legal Matters Regarding Planned Development District Number 4 Agreement for Texas Heritage Village, Including Process and Procedures for Reconsideration of Tree Replacement Plan and Correction of File at Hays County Land Records (551.071 Consultation with City Attorney)

C. Consultation with Attorney Regarding Legal Requirements and Procedures for the Creation of a Public Improvement District (PID), Including Presentation by City Attorney's Office of

Statutory Mandates, Timelines, and Authorized Infrastructure. (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 Attorney Regarding the Non-Binding Letter of Intent Between the City of Dripping Springs and the Dripping Springs Water Supply Corporation Regarding a Direct Potable Reuse Project (551.071 Consultation with Attorney)

Convened to executive session at 5:44pm. Present: 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, Director of Public Works and Development Rick Coneway, City Treasurer Gina Gillis, and DSRP Manager Lynne Dickinson. Also present for the Item C only are: Financial Consultant Chris Lane, Consultant Tripp Davenport, Special Counsel Shanna Edwards, Planning and Zoning Commission Chair Mim James, and Assistant City Attorney Dottie Plumbo. Reconvened to the regular meeting at 7:10pm.

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE – Council Member Charles Busbey 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. No one speaks

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, December 8, 2015
- B. Approval of Treasurer's Report for December 2015
- C. Reconsideration and Approval of Agreement for Planned Development District Number 4 for Texas Heritage Village, Specifically Approval and Clarification of Correct Tree Replacement Plan, and Authorization for Correction of File at Hays County Land Records.
- D. Approval of Resolution No. 2016-06: A Resolution of the City of Dripping Springs Accepting Maintenance Bond for Founders Ridge, Phase 1 Subdivision (Sponsor: Council Member Charles Busbey)

- E. Approval of Resolution No. 2016-07: A Resolution of the City of Dripping Springs Accepting Maintenance Bond for Harrison Hills, Phase 2 Subdivision (*Sponsor: Council Member Charles Busbey*)
- F. Approval of Ordinance No. 2100.03: An Ordinance of the City of Dripping Springs Amending Chapter 1, Article 1.04, Division 3 Of The Dripping Springs Code Of Ordinances; Amending Regulations For Quarterly Hotel Occupancy Tax Reports To Tax Assessor-Collector And Use Of Revenue; Providing For The Following: Findings Of Fact; Amendment; Repealer; Severability; Codification; Effective Date; And Proper Notice And Meeting (*Sponsor: Councilman Busbey*)
- G. Approval of Resolution No. 2016-08: A Resolution of the City of Dripping Springs Adopting the Dripping Springs Farmers Market Rules and Regulations
- Council Member John Kroll motions to approve consent items. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

IX. SIGNS

Consideration and Possible Action On:

- A. Sign Variance Request for Epicure, Located at 1025 Cannon Drive, Suite 105, *Black River Enterprises, LLC., Applicant*
1. Presentation – Jerry Gray, Applicant
 2. Sign Administrator's Report – City Sign Administrator Michelle Fischer, report on file. Staff recommends approval of the request.
 3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the request.
 4. Public Hearing – No one speaks
 5. Variance Request to Allow a Projecting Sign to Exceed Seventy-Five Percent of the Store Front Width – Council Member Charles Busbey motions to approve the request. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

X. SUBDIVISIONS

Consideration and Possible Action On:

- A. Amending Plat of Tract A & B of Amended Plat of Tract A, Tract B, Tract C, Tract D, Tract G, Tract I and Tract L of Key Ranch at the Polo Club and Amended Plat of Tract E, Tract F, Tract H, Tract J, Tract K, Tract M, Tract N and Tract O of Key Ranch at the Polo Club Volume 8 Pages 374-377 PRHCT, Hays County, to Request Waiver from Code of Ordinances, Chapter 28, Minimum Lot Sizes in ETJ, Located at 13901 Canonade and 13730 W US Hwy 290, *Lynn Alderson, PE, Alderson Group*
1. Presentation - None
 2. Staff Report – 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 amended plat.
 4. Public Hearing – No one speaks

5. Amended Plat - Council Member John Kroll motions to approve the amended plat. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- B. Replat of Lots 8, 9 & 10 , Block B Ruby Ranch, Located at 310 and 320 Humphreys Drive, *Phil Moncada , Applicant*
 1. Presentation - None
 2. Staff Report - 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 - Council Member Santos Alba motions to approve the replat. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- C. Minor Plat and Variance Request from Minimum Lot Size for Campbell Subdivision, Located at 13701 FM 1826, *Richard McDaniel, Ash & Associates*
 1. Presentation - None
 2. Staff Report - 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 minor plat and variance request.
 4. Public Hearing –No one speaks
 5. Variance
 6. Minor Plat - Council Member Santos Alba motions to approve the minor plat and variance request. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XI. ZONING

Consideration and Possible Action On:

- A. Conditional Use Permit for Domestic Farm Animals (Therapy Chickens) at Hill Country Nursing Home, Located at 1505 W HWY 290, *Hill Country Care Health and Rehabilitation, Applicant*
 1. Presentation – None. Applicant is available for questions.
 2. Staff Report – Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval with the following conditions: the chickens cannot be brought into the nursing facility and the patients cannot be in contact with the chickens.
 3. Planning and Zoning Commission Report - Commission Chair Mim James states that the Commission voted to approve the Conditional Use Permit according to staff's recommendations and conditions for the standard two year, automatic renewal period for Conditional Use Permits, and that the facility must comply with the recommendations and conditions made by staff and the City Sanitarian.
 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 recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

B. Ordinance 1220.119: An Ordinance of the City of Dripping Springs Amending the Zoning Classification with a Conditional Overlay for Tall Oaks Subdivision, Lots 1 & 2, Located at 2350 and 2400 E US HWY 290, *Mark Lander, Applicant and Owner's Representative*

1. Presentation – None. Applicant is available for questions.
2. Staff Report - Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval of the modification of the zoning from Agricultural (AG) to Commercial Services (CS) with a Multi-Family (MF) Overlay.
3. Planning and Zoning Commission Report – Commission Chair Mim James states that the Commission voted to approve the Ordinance according to staff's recommendation, with the request that staff ensure that this site plan be brought before the Planning and Zoning Commission, and that the plan addresses issues such as drainage and run-off, safety, traffic and noise when the development is proposed in the future.
4. Public Hearing – No one speaks
5. Ordinance No. 1220.119 - Council Member Santos Alba motions to approve Ordinance 1220.119 according to staff's recommendations. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

C. Ordinance No. 1220.120: Amending Ordinance 1220.11, Codified As Volume 2, Article 15, Chapter 24, Subchapter A of the Dripping Springs Code of Ordinances; Modifying the regulations regarding height, impervious cover, and pad dimensions for the property of Planned Development District Number One; Located at the southwest intersection of Rob Shelton Blvd and the Home Depot driveway, *Sumay Parikh, DS Hospitality, LLC, Applicant's Agent*

1. Presentation – None. Applicant is available for questions.
2. Staff Report - Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval with the conditions that the maximum height (70 feet), maximum number of stories (four), and maximum building footprint (18,000 square feet) amendments be specific to only Envelope 3, and only for a "hotel" land use. The impervious cover increase amendment to 60% is applicable to the entire PDD.
3. Planning and Zoning Commission Report - Commission Chair Mim James states that the Commission voted to approve Ordinance 1220.120 according to staff's recommendations.
4. Public Hearing – No one speaks
5. Ordinance No. 1220.120
6. Amended Planned Development District Agreement - Council Member John Kroll motions to approve Ordinance 1220.120 and the Amended Planned Development District Agreement according to staff's recommendations. Council Member Charles Busbey seconds. Council Member John Kroll points out that the brand of hotel is not clear. VOTE: 5-0 in favor, motion passes.

XII. UTILITIES AND PUBLIC WORKS

Consideration and Possible Action On:

- A. Non-Binding Letter of Intent between the City of Dripping Springs and the Dripping Springs Water Supply Corporation Regarding a Direct Potable Reuse Project (Sponsor: Mayor Pro Tem Foulds) - Council Member Charles Busbey motions to approve the Letter of Intent

according to staff's recommendations. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XIII. BUSINESS

Consideration and Possible Action On:

A. Ordinance No. 1100.68: An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2016 Budget

1. Staff Report – City Treasurer Gina Gillis, report on file. Staff recommends approval.
2. Public Hearing – No one speaks
3. Ordinance 1100.68 - Council Member Charles Busbey motions to approve Ordinance 1100.68 according to staff's recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

B. Ordinance No. 1070.63: An Ordinance of the City of Dripping Springs Amending the City of Dripping Springs Fee Schedule (*Sponsor: Mayor Pro Tem Foulds*)

1. Staff Report – City Administrator Michelle Fischer, report on file. Staff recommends approval.
2. Public Hearing – No one speaks
3. Ordinance No. 1070.63 - Council Member Santos Alba motions to approve Ordinance 1070.63 according to staff's recommendations. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

C. Approval of Petition for Annexation for Heritage project, that being 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, and commencement of the public notice and hearing process.

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.

1. Staff Report – Director of Public Works and Development Rick Coneway, report on file. Staff recommends approval.
2. Public Hearing – No one speaks
3. Acceptance of Petition - Council Member Santos Alba motions to accept the Petition according to staff's recommendations. Council Member Wade King seconds. VOTE: 4-0-1 in favor, Council Member John Kroll abstains, motion passes.

D. Resolution 2016-09: A Resolution of the City of Dripping Springs Authorizing City Staff to Initiate Annexation Proceedings for City Owned Property, Namely 25.7398 Acres Out of Anarene Investments Tract; and 5.394 Acres Out of the Cannon Family Tract

1. Staff Report - Director of Public Works and Development Rick Coneway, report on file. Staff recommends approval.
2. Public Hearing – No one speaks
3. Resolution 2016-09 - Council Member John Kroll motions to approve Resolution 2016-09 according to staff's recommendations. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

E. Contract between the City of Dripping Springs and Herron Design Studio for Architectural Services at City Hall for Preliminary Space Planning and Construction Cost Feasibility Study (*Sponsor: Mayor Pro Tem Foulds*)

1. Staff Report - Director of Public Works and Development Rick Coneway, report on file. Staff recommends approval of the contract and to establish a standing Space Planning Committee.
2. Contract - Council Member Santos Alba motions to approve the contract according to staff's recommendations. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

F. Presentation by the Developers of a Proposed Marriot Courtyard Hotel regarding the EB5 Immigrant Investor Program – No action taken.

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, January 19, 2016 at 6:00 p.m.
- B. Regular Transportation Committee Meeting, January 25, 2016 at 3:30 p.m.
- C. Regular Founders Day Commission Meeting, January 25, 2016 at 6:30 p.m.

- D. Regular Planning & Zoning Commission Meeting, January 26, 2016 at 7:00 p.m.
- E. Regular Historic Preservation Commission Meeting, February 1 2016 at 5:30 p.m.
- F. Regular Parks & Recreation Commission Meeting, February 8, 2016 at 6:00 p.m.
- G. Regular Founders Day Commission Meeting, February 8, 2016 at 6:30 p.m.
- H. Regular Farmers Market Association Board Meeting, February 9, 2016 at 10:00 a.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 7:54pm.