

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, December 8, 2015, beginning at 5:00 PM at City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL - 5:00 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

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 5:10pm. All present.

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.

- A. TIFs (Tax Increment Financing) and TIRZs (Tax Increase Reinvestment Zones), *Dottie Polumbo, Bojorquez Law Firm*

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 implications of certain economic development arrangements for commercial lodging projects, and evaluate process and criteria for Planned Development District 1. *(551.071 Consultation with Attorney)*
- B. Consultation with City Attorney 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)*

Convened to executive session at 6:08pm. 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, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 7:00pm.

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. Lila Knight –Speaks in opposition, as a resident of Mountain City, to the ETJ Release to Kyle and Mountain City.

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, November 17, 2015
- B. Approval of Special Meeting Minutes, December 1, 2015
- C. Approval of Treasurer's Report for November 2015
- D. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and Dripping Springs Ag Boosters for the 2016 Dripping Springs Fair and Rodeo (*Sponsor: Mayor Todd Purcell*)
- E. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and the Texas Hill Country Barrel Racers Association (*Sponsor: Mayor Todd Purcell*)
- F. Approval of Master Rental Agreement between the City of Dripping Springs and the Hays County Livestock Exposition, Inc. (*Sponsor: Mayor Todd Purcell*)
- G. Approval of Lease Agreement for Lot for Storage Building at Dripping Springs Ranch Park (*Sponsor: Mayor Todd Purcell*)
- H. Approval of Application by the City of Dripping Springs to the Lower Colorado River Authority's Community Development Partnership Program for a Pavilion and Related Improvements at Charro Ranch Park (*Sponsor: Council Member Wade King*)
- I. Approval of Resolution 2016-07: A Resolution of the City of Dripping Springs Accepting Construction Bond for Arrowhead Ranch Phase 1 (*Sponsor: Council Member Charles Busbey*)
- J. Approval of Proclamation In Recognition of the Dripping Springs High School Volleyball Team 5A State Championship (*Sponsor: Mayor Todd Purcell*)

Council Member Santos Alba motions to approve consent items A through J. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes. Mayor Todd Purcell reads aloud consent item J. Mayor Pro Tem Bill Foulds motions to approve consent item J. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

IX. ZONING

Consideration and Possible Action on:

- A. Ordinance No. 1220.117: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of 26450 RR 12 from Single Family Residential - Low Density (SF-1) to Office (O), *Charles Turner, Applicant*
1. Presentation – Charles Turner, Applicant
 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 Ordinance 1220.117.
 4. Public Hearing – No one speaks
 5. Ordinance 1220.117 - Council Member Charles Busbey motions to approve Ordinance 1220.117. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- B. Ordinance No. 1220.118: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of Sawyer Ranch 33, Tract Two, Lot 2A-2 from Office (O) to Local Retail (LR), Located at *13830-B Sawyer Ranch Road, Shelly Mitchell, PE, Pape-Dawson Engineering, Applicant*
1. Presentation – Shelly Mitchell, Pape-Dawson Engineering, Applicant
 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 Ordinance 1220.118.
 4. Public Hearing – No one speaks
 5. Ordinance 1220.118 - Council Member Santos Alba motions to approve Ordinance 1220.118. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.

X. BOARD OF ADJUSTMENT

Consideration and Possible Action on:

- A. Request for Special Exception from Rear Yard Setback for 421 Goodnight Trail, *Erik & Holly Burgeson, Owners*
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 request.
 4. Public Hearing – No one speaks
 5. Special Exception - Council Member Charles Busbey motions to approve the special exception. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XI. SUBDIVISIONS

Consideration and Possible Action On:

- A. Replat for Sawyer Ranch 33, Tract Two, Lot 2A, Located at 13830-B Sawyer Ranch Road, *Shelly Mitchell, PE, Pape-Dawson Engineering, Applicant*

1. Presentation – Shelly Mitchell, Pape-Dawson Engineering, Applicant
 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 John Kroll motions to approve the replat. Council Member Wade King seconds. Council Member John Kroll asks staff to evaluate any potential traffic issues as this replat progresses. VOTE: 5-0 in favor, motion passes.
- B. Texas Heritage Village, Section 4 Variance from the Code of Ordinances, Chapter 28, Exhibit A: “Subdivision Ordinance”, Section 18.3.1; Requesting a Drainage Variance for Stormwater Management Which Would Assume Upstream Detention Under Fully Developed Conditions in the Drainage Master Plan; Located Generally at the Terminus of the Northern Extension of Rob Shelton Boulevard and East of Ranch Road 12, *Sal Baeza, PE, Pape-Dawson Engineering, Applicant*
1. Presentation - None
 2. Staff Report - Director Rick Coneway, report on file. Staff recommends approval.
 3. Planning and Zoning Commission Report - Commission Chair Mim James states that the Commission voted to approve.
 4. Public Hearing – No one speaks
 5. Stormwater Drainage Variance - Council Member Santos Alba motions to approve. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XII. DEVELOPMENT AGREEMENTS

Consideration and Possible Action on:

- A. Proposed Development Agreement between the City of Dripping Springs and HM Parten Ranch, LP., Located North and Northwest of the Intersection of Kinnicini Loop and FM1826, at 16000 Farm to Market 1826 and consists of 532 +/- acres out of the Lamar Moore Survey, Abstract No. 323 and the Seaborn J. Whatley Survey, Abstract No. 18, Hays County, Texas, *John Clark, PE, LJA Engineering, Applicant*
1. Presentation – John Clark of LJA Engineering and Stephan Pharis of Pharis Designs, Applicant’s Representative
 2. Staff Report – Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval.
 3. Parks & Recreation Commission Report – The Commission approved the Parkland Dedication on November 9, 2015.
 4. Planning and Zoning Commission Report – Commission Chair Mim James provides an overview of the history of this item as presented to the Planning and Zoning Commission, and states that the Commission voted to approve the development agreement.
 5. Public Hearing – No one speaks
 6. Development Agreement
 - a. Alternative Standards and Variances
 - b. Parkland Dedication

c. Development Agreement

Council Member Santos Alba motions to approve the alternative standard and variances, parkland dedication, and development agreement. Council Member Wade King seconds. Council discusses traffic flow and water flow. VOTE: 4-1 in favor, Mayor Pro Tem Bill Foulds votes Nay, motion passes.

XIII. UTILITIES AND PUBLIC WORKS

Consideration and Possible Action on:

- A. Agreement for Professional Engineering Services between the City of Dripping Springs and Alan Plummer Associates, Inc. for Downtown Water Quality Planning for Old Fitzhugh Road Area (*Sponsor: Council Member Charles Busbey*)
 - 1. Staff Report - Director Rick Coneway, report on file. Staff recommends approval.
 - 2. Proposal – Mayor Pro Tem Bill Foulds motions to approve. Council Member Santos Alba seconds. VOTE: 4-0-1 in favor, Council Member John Kroll abstains due to a potential conflict of interest, motion passes.
- B. Report form Evaluation Committee regarding Proposals Received to Administer the Texas Community Development Block Grant (Contract No. 7215129) for Water System Improvements – Mayor Pro Tem Bill Foulds motions to approve. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- C. Letter Agreement Between the City of Dripping Springs and Grant Administration Firm Recommended by the Evaluation Committee to Administer the Texas Community Development Block Grant (Contract No. 7215129) for Water System Improvements (*Sponsor: Mayor Pro Tem Bill Foulds*)
 - 1. Staff Report – Deputy City Administrator Ginger Faught, report on file. Staff recommends approval.
 - 2. Letter of Agreement - Council Member John Kroll motions to approve. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- D. Review Bids Received for 12" Effluent Line Project and Award of Contract to Low Bidder DRY Utilities, Inc. (*Sponsor: Mayor Pro Tem Bill Foulds*)
 - 1. Staff Report – Deputy City Administrator Ginger Faught, report on file. Staff recommends approval.
 - 2. Contract - Council Member Wade King motions to approve. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- E. 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*)
 - 1. Staff Report - Deputy City Administrator Ginger Faught, report on file. Staff recommends approval.
 - 2. Utility Agreement – Mayor Pro Tem Bill Foulds motions to approve the Second Amended and Restated Wastewater Utility Agreement between the City of Dripping Springs and Forestar (USA) Real Estate Group Incorporated as presented to the Council with the following changes: 1) Exhibit F of the agreement be changed to be the standard Assignment

and Assumption Agreement that we normally use in wastewater agreements, 2) that the parenthetical in section 1.26 referencing 40 LUEs related to the Feller's tract be changed to 60 LUEs, and 3) that Section 6.2 be changed to "Offsite Facilities Easements. Owners shall acquire and maintain all easements necessary for Offsite Facilities at no cost to the City. To the extent that Owner is unable to acquire any easement needed for Offsite facilities at a reasonable and fair-market value, City may use its eminent domain power to acquire all easements necessary for Offsite Facilities and shall be reimbursed by Owner for reasonable expenses and costs to acquire such easements." Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XIV. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1310.38: An Ordinance Expanding the Extraterritorial Jurisdiction of the City of Dripping Springs, Hays County, Texas, so as to include said hereafter described property within the Extraterritorial Jurisdiction of the City of Dripping Springs: Parcel 2.08 acres, Lot 13, Block B, Dos Lagos Subdivision, Volume 12, Pages 297-299, Plat Records Hays County, Texas
 - 1. Petition
 - 2. Public Hearing – No one speaks
 - 3. Ordinance No. 1310.38 – Mayor Pro Tem Bill Foulds motions to approve Ordinance 1310.38. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- B. Ordinance No. 1310.39: An Ordinance Expanding the Extraterritorial Jurisdiction of the City of Dripping Springs, Hays County, Texas, so as to include said hereafter described property within the Extraterritorial Jurisdiction of the City of Dripping Springs: Parcel 2.04 acres, Lot 3, Block B, Dos Lagos Subdivision, Volume 12, Page 297, Plat Records Hays County, Texas
 - 1. Petition
 - 2. Public Hearing – No one speaks
 - 3. Ordinance No. 1310.39 - Council Member Santos Alba motions to approve Ordinance 1310.39. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- C. Consideration and action 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 (*Sponsor: Mayor Todd Purcell*) - Mayor Pro Tem Bill Foulds motions to direct staff to prepare the paperwork to complete the transaction and bring this item back to City Council in January 2016. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XV. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Farmers Market Manager's Monthly Report
- B. Dripping Springs Ranch Park Monthly Report

XVI. ANNOUNCEMENTS

- A. Regular Planning & Zoning Commission Meeting, December 16, 2015 at 7:00 p.m.
- B. Regular Historic Preservation Commission Meeting, January 4, 2016 at 5:30 p.m.
- C. Regular Parks & Recreation Commission Meeting, January 11, 2016, at 6:00 p.m.

D. Regular Founders Day Commission Meeting, January 11, 2016 at 6:30 p.m.

E. Regular Farmers Market Association Board Meeting, January 12, 2016 at 10:00 a.m.

F. Regular City Council Meeting, January 12, 2016 at 7:00 p.m.

XVII. **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 8:06pm.