

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, October 13, 2015, beginning at 7:00 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

Code Enforcement Manager Jon Thompson

City Secretary Kerri Craig

Planning and Zoning Commission Chair Larry McClung

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 7:07pm. All present except Mayor Todd Purcell, Deputy City Administrator Ginger Faught, and 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. Deliberation regarding Personnel Matters related to job descriptions, salaries, benefits, and compensation of specific employees: City Administrator, Deputy City Administrator, Administrative Assistant, Director of Public Works and Development Department and Manager of Code Enforcement 551.074 (Personnel Matters)
- B. Consultation with City Attorney regarding the legal authority, procedures and criteria for utilization of Tax Increment Financing (TIF) and the creation of a Tax Increase Reinvestment Zone (TIRZ) (551.071 Consultation with Attorney)
- C. Consultation with City Attorney regarding Land Use: Reconsideration of Outdoor Lighting Ordinance variances approved for Dripping Springs Independent School District for lights at Dripping Springs High School Athletic Facility Improvements, Located at 940 US Hwy 290 and deliberation regarding alternate Mitigation Plan requested by DSISD Board of

Trustees (551.071 Consultation with Attorney).

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

Convened to executive session at 5:48pm. 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 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.*

Grant Tait – Sunset Canyon resident. Opposed to the wastewater disposal into Onion Creek. There are better options available rather than dumping into the creek.

Elizabeth Craig – This city has the opportunity to have a shining example of a 21st century water plan. Water conservation is critically important. There is nothing more precious than water. Our pristine water sources like Onion Creek should not be polluted and is not the legacy you want to have. Please consider other options.

Ashley Whittenberger – I am opposed to the plan to discharge into Onion Creek. I understand the challenges you are faced with, but there are other options besides discharging into Onion Creek. Let's work together to find a better solution.

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 Special Meeting Minutes, September 24, 2015
- B. Approval of Treasurer's Report for September 2015
- C. Approval of Appointment of David Douglas to Serve on the Parks and Recreation Commission, Term to Expire June 2017
- D. Approval of Resolution No. 2016-02: A Resolution of the City of Dripping Springs Adopting the City's Investment Policy for Fiscal Year 2016
- E. Approval of Professional Services Agreement Between the City of Dripping Springs and the Hays-Caldwell Women's Center for the Provision of Victim Services
- F. Approval of Temporary Street Closure, Traffic Plan and Fee Waiver Request for Run By the Creek to be held on November 8, 2015, *Dripping Springs Running Club, Applicant*

- G. Approval of Co-Sponsorship Application for Run By the Creek to be held on November 8, 2015, *Dripping Springs Running Club, Applicant*
- H. Approval of Professional Services Agreement Between the City of Dripping Springs and Holtkamp Planning to Provide an Update of the City's Comprehensive Plan
- I. Approval of Proclamation of the City of Dripping Springs Proclaiming the Month of October 2015 as "National Domestic Violence Awareness Month"
- J. Approval of Proclamation of the City of Dripping Springs Proclaiming the Month of October 2015 as "National Domestic and Teen Dating Violence Awareness Month"

Council Member Santos Alba motions to approve consent items A through H. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes. Council Member Charles Busbey reads aloud the "National Domestic Violence Awareness Month" Proclamation. Council Member John Kroll reads aloud the "National Domestic and Teen Dating Violence Awareness Month" Proclamation. Council Member Charles Busbey motions to approve consent items I and J. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

IX. SUBDIVISIONS

Consideration and Possible Action On:

- A. Final Plat for the Gardens of Howard Ranch, located at the southeast corner of the intersection of RR12 and FM150, *Brett Pasquarella, PE, Carlson-Brigance-Doering Engineering and Erik Howard, Howard Land & Cattle, Applicants*
 - 1. Presentation - None
 - 2. Code Enforcement Manager's Report – Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval.
 - 3. Planning and Zoning Commission Report - Planning and Zoning Commission Chair Mim James states that the Commission voted to approve the final plat.
 - 4. Public Hearing - None
 - 5. Final Plat - Council Member John Kroll motions to approve. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

X. BOARD OF ADJUSTMENT

Consideration and Possible Action on:

- A. Sign Variance Request to Allow the Use and Modification of a Nonconforming Pole Sign for The Dent Shop, located at 402 B Mercer Street, *Jeremy Compton, Applicant*
 - 1. Presentation – Jeremy Compton, Applicant
 - 2. Sign Administrator's Report - City Administrator Michelle Fischer, report on file. Staff recommends approval with the conditions stated in the report.
 - 3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Mim James states that the Commission voted to approve the variance request according to staff's recommendations.
 - 4. Public Hearing - None
 - 5. Variance Request to Allow Use and Modification of a Nonconforming Pole Sign - Council Member Santos Alba motions to approve with staff's recommendation. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

B. Sign Variance Request to Allow an Off Premise Real Estate Sign for Scott Felder Homes and Coventry Homes at the South-West Corner of Ranch Road 12 and Event Center Drive at the Entrance to the Harrison Hills Subdivision, *David Joiner, Applicant Representative*

1. Presentation – David Joiner, Applicant’s Representative
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends approval with the conditions stated in the report.
3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Mim James states that the Commission voted to approve the variance request according to staff’s recommendations.
4. Public Hearing - None
5. Variance Request to Allow an Off Premise Real Estate Sign - Council Member John Kroll motions to approve according to the current staff recommendations. Council Member Santos Alba seconds. Council discusses the current sign ordinance and reiterates that according to current regulations, open house signs are not allowed to be placed on the roadside. VOTE: 5-0 in favor, motion passes.

C. Conditional Use Permit Applications for a Proposed Mobile Food Park and Bar, Located at 26155 Ranch Road 12, *Nico Ilai and Steve Fee, Applicants*

1. Presentation – Nico Ilai, Applicant
2. Code Enforcement Manager's Report - Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval of both of the Conditional Use Permits with the conditions stated in the report.
3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Mim James states that the Commission voted to deny both Conditional Use Permits.
4. Public Hearing –

Reverend Charlie Garza, St. Martin de Porres – Our concerns are related to traffic flow issues in an already dangerous area, the limited parking available on the property that may lead to people parking across the street at the church. This creates safety issues if people try to cross Ranch Road 12. Additional foot traffic at the church from people visiting the business might cause issues for the church as well.

Mark Monahan – My concern is with parking as well. Our current ordinance requires businesses to provide adequate on-site parking, which I don’t believe this property is able to provide. Having customers potentially walking across Ranch Road 12 is a recipe for disaster.

Judy Tecea – I drive Ranch Road 12 all the time, and it isn’t a safe road. This is a non-conforming property and it doesn’t fit the purpose of this business plan. I do not think that this business is compatible for this area.

5. Conditional Use Permit - Mobile Food Park
6. Conditional Use Permit – Bar

Council discusses shared access driveways. Council Member John Kroll motions to approve both Conditional Use Permits according to staff and the City Engineer’s recommendations. The motion dies due to a lack of a second. Council Member Charles Busbey motions to discuss the item. Council Member John Kroll seconds. Council

discusses the traffic concerns, parking, the permit for a bar, the fact that these permits are required specifically because this area is not meant for this type of use, the mobile food vendor ordinance, safety issues, water and wastewater, the special exceptions that were tabled, and the future process. Council Member Charles Busbey motions to deny both CUPS. Council Member Santos Alba seconds. VOTE: 4-1 in favor of denial, Council Member John Kroll votes Nay, motion passes.

XI. SITE DEVELOPMENT/VARIANCE REQUESTS

Consideration and Possible Action on:

- A. Land Use: Reconsideration of Outdoor Lighting Ordinance variances approved for Dripping Springs Independent School District for lights at Dripping Springs High School Athletic Facility Improvements, Located at 940 US Hwy 290 and deliberation regarding alternate Mitigation Plan requested by DSISD Board of Trustees. Mayor Pro Tem Bill Foulds motions to deny the alternate mitigation plan requested by DSISD Board of Trustees. Council Member Charles Busbey seconds. VOTE: 4-0-1 in favor, Council Member John Kroll abstains, motion passes.

XII. PARKS AND RECREATION

- A. Ordinance No. 1510.92: An Ordinance of the City of Dripping Springs Amending Chapter 16, Article 16.02, Division 2 of the Dripping Springs Code of Ordinances; Amending the Park Rules to Provide for Orderly and Safe Use of the Parks and Penalties (*Sponsor: Mayor Purcell*)
 - 1. Staff Report – DSRP Manager Lynne Dickinson is available for questions.
 - 2. Public Hearing - None
 - 3. Ordinance 1510.92 - Council Member Charles Busbey motions to approve Ordinance 1510.92. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XIII. BUSINESS

Consideration and Possible Action On:

- A. Environmental Health/ OSSF Inspection & City Inspection Services Agreement between the City of Dripping Springs, Texas and Environmental Concepts, LLC
 - 1. Staff Report – City Administrator Michelle Fischer, report on file. Staff recommends approval.
 - 2. Environmental Health/ OSSF Inspection & City Inspection Services Agreement - Council Member John Kroll motions to approve the agreement. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- B. Proposed Rate Increase Submitted by CMA Engineering, Inc. for General Engineering Services (*Sponsor: Mayor Pro Tem Foulds*)
 - 1. Staff Report – Deputy City Administrator Ginger Faught, report on file.
 - 2. Rate Increase - Council Member Santos Alba motions to approve the rate increase. 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. Maintenance Director's Monthly Report
- C. Dripping Springs Ranch Park Monthly Report

- D. Transportation Committee Monthly Report
- E. Economic Development Committee Monthly Report

XV. ANNOUNCEMENTS

- A. Regular City Council Meeting, October 20, 2015 at 6:00 p.m.
- B. Regular Planning & Zoning Commission Meeting, October 27, 2015 at 7:00 p.m.
- C. Regular Historic Preservation Commission Meeting, November 2, 2015 at 7:00 p.m.
- D. Regular Parks & Recreation Commission Meeting, November 9, 2015, at 6:00 p.m.
- E. Regular Farmers Market Association Board Meeting, November 10, 2015 at 10:00 a.m.
- F. Regular City Council Meeting, November 10, 2015 at 7:00 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 8:10pm.