

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, September 15, 2015, 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

Planning Director Jon Thompson

City Secretary, Kerri Craig

Mayor Todd Purcell calls the meeting to order at 6:00pm. All present except Planning Director Jon Thompson. Also present are City Attorney Alan Bojorquez 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.

A. Proposed Fiscal Year 2016 Budget

1. Review and Discuss Proposed FY 2016 Budget
2. Review and Discuss Commission/Committee Budget Requests
3. Review and Discuss Budget Requests

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 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)
- B. Deliberation regarding Personnel Matters related to salaries, benefits, and compensation of specific employees: City Administrator, Deputy City Administrator, City Secretary, Planning Director, Municipal Court Clerk/Utilities Coordinator, Receptionist/Communications Coordinator, Administrative Assistants, City Treasurer, Maintenance Director, Ranch Park Lead Maintenance, Ranch Park Maintenance Worker, City Engineer, Accounting Clerk/Receptionist, and Dripping Springs Ranch Park Manager 551.074 (Personnel Matters)

Convened to executive session at 6:04pm. 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, City Attorney Alan Bojorquez and City Treasurer Gina Gillis. Reconvened to the regular meeting at 6:21pm. Council reconvenes to Executive Session at 7:51pm. 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, City Attorney Alan Bojorquez and City Treasurer Gina Gillis. Reconvened to the regular meeting at 8:03pm.

IV. PLEDGE OF ALLEGIANCE – Mayor Pro Tem Bill Foulds leads the Pledge of Allegiance.

V. 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.

VI. 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, September 8, 2015
- B. Approval of Appointment of Melissa Oehler to Serve on the Historic Preservation Commission, Term to Expire June 2017
- C. Approval of Special Event Co-Sponsorship Agreement from Hays County Emergency Services District #6 for National Night Out Event at Dripping Springs Sports & Recreation Park on October 6, 2015, *Chief Miller, ESD #6 (Sponsor: Mayor Todd Purcell)*
- D. Approval of Request to Rent a Portion of Veterans Memorial Park/The Triangle for "Frosty's Christmas Trees" from November 21st through December 21, 2015 with the Following Conditions: the City Engineer Approves the Parking Plan; and No Set Up or Deliveries Shall Be Made on Wednesdays, *Carol Granger (Sponsor: Mayor Pro Tem Bill Foulds)*
- E. Approval of Request to Rent a Portion of Veterans Memorial Park//The Triangle for "Pumpkin Patch" from October 10th through November 1, 2015 with the Following Conditions: the City Engineer Approves the Parking Plan; and No Set Up or Deliveries on Wednesdays, *Kristin Myers, Junior Bible Quiz Coordinator, Dripping Springs United Methodist Church (Sponsor: Mayor Pro Tem Bill Foulds)*
- F. Approval of Request to Rent a Portion of Veterans Memorial Park/The Triangle for an Annual Fall Chili Cook-Off on October 24th, 2015 with the Condition that the City Engineer Approves the Parking Plan, *Dripping Springs Cook-Off Club (Sponsor: Mayor Pro Tem Bill Foulds)*

Council Member Santos Alba motions to approve consent items. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

Council Member John Kroll leaves the room at 6:23pm due to a potential conflict of interest regarding the next agenda item.

VII. ZONING/SITE DEVELOPMENT/VARIANCE REQUESTS

Consideration and Possible Action on:

A. Variance Requests from Lighting Ordinance Shielding and Total Outdoor Light Output Standards to Allow the extension of the external louvers or shields to be less than 3 inches from the lowest portion of the light fixture opening and to permit more than 1% of the light emitted by each fixture to project above the horizontal plane, for the Dripping Springs High School Athletic Facility Improvements, Located at 940 US Hwy 290 West, *Jason Andrus, Huckabee Architectural, Applicant*

1. Presentation – Jason Andrus, Applicant and Dr. Bruce Gearing, Superintendent, DSISD
2. Staff Report (Cindy Luongo Cassidy, Lighting Consultant) – City Administrator Michelle Fischer, report on file. Staff recommends the following: As the level of lighting required to accommodate the planned number of spectators requires less shielding and creates slightly more spill than is allowed in the Outdoor Lighting Ordinance, it is recommended that this variance be approved with the condition that DSISD and the City agree on a mitigation plan of action to inventory nonconforming lights on DSISD facilities in the City Limits, and plan for the reduction of the effect of the new lights on the City and the ETJ by fully shielding and reducing the lumens produced by other lights owed by DSISD. This can be done through the removal, modification, or replacement of the nonconforming lights.
3. Public Hearing –

Martha Leren – Springlake Subdivision resident and is opposed to the variance due to the excessive light and noise.

Michael Dunlap – Is supportive of the variance due to the higher lighting needed for safety at baseball games, and they plan to be responsible and comply with the 10:00pm curfew on non-game nights.

Chris Payne – Been the head baseball coach for 10 years. Supports approving the variance without mitigation to allow for safe lighting at games.

Randall Whitfield – Parent with children who play sports in DSISD and is supportive of approving the variance to allow for safe lighting at games.

Will Koch – Parent of children who play baseball and softball and is supportive of approving the variance to allow for safe lighting at games.

Wade Womack – Head softball coach in Dripping Springs and believes the variance should be approved for the safety of our children, without the mitigation attached. Also recommends a cost analysis be done for the total mitigation cost.

Sherrie Parks – Chamber of Commerce Board of Directors oppose the lighting variance and request that the City consider all community members and their needs when the lighting ordinance is next amended.

Rick King – Chamber of Commerce Board Member, DSISD Parent, and Resident of Springlake neighborhood. Does not support increased lighting because there is already too much light over our neighborhood. We support the school, however the variance request should be denied.

Greg Gitcho – Stratford Land Fund, representing property owners adjacent to the ball fields. We request a 10:00pm curfew, if not already in place, and to have some sort of screening along the eastern boundary of the fields to shield the properties most affected by

the bright lights.

Linda Freeman – Resident of Hidden Springs Ranch. Please consider the 24+ letters from citizens opposing the increased lighting for all of the reasons stated. We would like to know more about lighting at other districts and what other options may be available. What evidence is there that class 4 lights cause a safety issue for players.

Juan Garcia – Facilities Director at DSYSA and Board Member. I built baseball fields in San Marcos. There is a huge difference between 1% and 4% in the ability to light these fields. The current lighting has been there 20 years, so lighting for two more fields shouldn't be a big deal. It makes a big difference for the kids and safety.

Cathy Renstra - We live in the neighborhood next door. We would like to see more information on the different lighting levels. Would like to know if there have been any injuries on the baseball field in the past related to lighting? Would also like to know the cost difference between level 3 and 4. Will this set a precedent so that this can be done at other fields, stadiums, parking lots, etc.

4. Variance Requests – Mayor Todd Purcell states: The DSISD is the biggest gem and draw for our community, and we value our relationship with the District. I support the variance with some kind of mitigation plan, without putting a big financial burden on the District. I suggest a student group to work on a project to help with the mitigation plan. The City will pay for the mitigation plan. Our ordinance already states that if a light breaks it has to come into compliance when replaced anyways. We are talking about mitigating a percent of the non-compliant lights that are not part of athletic fields. Let's make this a win-win for everyone. Mayor Pro Tem Bill Foulds motions to approve the variance according to staff's recommendation, and after the City conducts an inventory of all lighting fixtures on DSISD properties within the City limits by the end of 2015, a mitigation plan be established, to start in January 2016, which includes a 10 year plan during which a minimum of 10% of all non-conforming lights are brought into compliance each year (where 10% is calculated based on the original number of non-compliant lights), not including lights illuminating athletic fields, and that a 10:00 pm curfew on non-game nights be enforced on the baseball and softball field lighting immediately. Council Member Santos Alba seconds. Council discusses the communication between DSISD and the citizens currently affected by the lighting, the cost to the City to perform the inventory and work on the mitigation plan. VOTE: 4-0 in favor, motion passes.

Council Member John Kroll returns to the meeting at 7:26pm.

VIII. BUSINESS

Consideration and Possible Action On:

- A. Amendment to the Interlocal Agreement Between the City of Dripping Springs and Dripping Springs Independent School District for Founders Memorial Park Swimming Pool and Pavilion
 1. Staff Report – City Administrator Michelle Fischer, report on file. Staff recommends approval of the amendment and the requested increase in our annual payment to the school district from \$30,000 to \$35,000.
 2. Parks & Recreation Commission Report – The Commission recommended approval of the amended agreement but not the \$5,000 increase in the annual payment from the City to the School District.
 3. Interlocal Agreement – Mayor Pro Tem Bill Foulds motions to approve the Amended

Interlocal Agreement according to staff and Commission recommendations, but NOT approving the request for the additional \$5,000 payment from the City to the School District. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

- B. Ordinance No. 1310.36: 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 3: 388.67 acres out of the M.M. Justice Survey, the C.W. Cross Survey, the J.B. Hume Survey, the Bryant Sermons Survey, and the J.A. Seward Survey in Hays County, Texas (V. 5017, Pg. 325, Hays County Real Property Records)
1. Petition
 2. Public Hearing – No one speaks.
 3. Ordinance No. 1310.36 – Council Member Santos Alba motions to approve Ordinance 1310.36. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- C. Ordinance No. 1310.37: 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: 1. Dos Lagos Subdivision, Road ROW, 5.87 acres (R118391, HaysCAD); 2. Dos Lagos Subdivision, Block E, Lot 1, 1.72 acres – Open Space / Drainage Easement (R117379, HaysCAD); 3. Dos Lagos Subdivision, Block E, Lot 2, 6.53 acres – Open Space / Drainage Easement (R117380, HaysCAD)
1. Petition
 2. Public Hearing – No one speaks.
 3. Ordinance No. 1310.37 – Council Member Santos Alba motions to approve Ordinance 1310.37. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- D. Ordinance No. 1100.66: An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2015 Budget
1. Staff Report – City Treasurer Gina Gillis, report on file.
 2. Ordinance 1100.66 - Council Member Charles Busbey motions to approve Ordinance 1100.66. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- E. Ordinance No. 1100.67: An Ordinance of the City of Dripping Springs, Texas, Setting and Approving the Municipal Budget for the 2015-2016 Fiscal Year; Funding Municipal Purposes; Authorizing Expenditures; Providing for: Findings of Fact; Enactment; Filing of Budget; Repealer; Severability; Effective Date; and Proper Notice and Meeting.
1. Public Hearing – No one speaks.
 2. Ordinance 1100.67 - Council Member John Kroll motions to approve Ordinance No. 1100.67, and set and approve the municipal budget for the 2015-2016 Fiscal Year. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- F. Discussion and Action: To ratify the property tax increase reflected in the adopted annual budget for Fiscal Year 2015-2016. – Mayor Pro Tem Bill Foulds motions to ratify the property tax increase reflected in the adopted annual budget for Fiscal Year 2015-2016. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

G. Second Public Hearing on the Proposed FY 2015 Ad Valorem Tax Rate of \$0.170 per \$100.00 Assessed Valuation of all taxable property within the corporate limits of the city; providing for penalties and interest; and providing for the following; findings of fact; severability; savings clause; and publication. – No one speaks.

H. Acceptance of Bid and Authorize Mayor to Execute a Contract with Flasher Equipment Company for Pavement Striping and Signage for Portions of Sportsplex Road, Mercer Street, and Creek Road (*Sponsor: Council Member Charles Busbey*)

1. Staff Report (Rick) – City Engineer Rick Coneway, report on file.
Mayor Pro Tem Bill Foulds motions to approve. Council Member John Kroll seconds.
VOTE: 5-0 in favor, motion passes.

IX. ANNOUNCEMENTS

- A. Regular Planning & Zoning Commission Meeting, September 22, 2015 at 7:00 p.m.
- B. Regular Historic Preservation Commission Meeting, October 5, 2015 at 7:00 p.m.
- C. Regular Parks & Recreation Commission Meeting, October 12, 2015, at 6:00 p.m.
- D. Regular Farmers Market Association Board Meeting, October 13, 2015 at 10:00 a.m.
- E. Regular City Council Meeting, October 13, 2015 at 5:30 p.m.

X. **ADJOURN** - Council Member Charles Busbey motions to adjourn the meeting. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 8:09pm.