

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, September 8, 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

Planning Director 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 5:33pm. All present except Mayor Todd Purcell and Dripping Springs Ranch Park Manager Lynne Dickinson. Also present is Planning and Zoning Commission Vice Chair Mim James.

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 Budget Requests

- a. Request for Fiscal Year 2016 Budget Expense to Purchase Storm Doors and Veterinary Room Door at Dripping Springs Ranch Park, Lynne Dickinson, Dripping Springs Ranch Park Manager

1. Staff Report

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. Personnel: Staff Report Regarding the Duties of City Engineer Position and Modifications to the Organizational Chart. (551.047 Personnel Matters)

B. Personnel: Staff Report on the Accounting Clerk / Receptionist position and modifications to

the organizational chart. (551.047 Personnel Matters)

- 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 Attorney and 551.072 Purchase, Exchange, Lease or Value of Real Property)
- D. 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)
- E. Consultation with City Attorney regarding legal process, provisions, and concerns with draft contract with Strategic Government Resources (SGR) for personnel and organization consulting services (551.071 Consultation with Attorney).
- F. Consultation with City Attorney Regarding the Wastewater Utility Agreement Between the City of Dripping Springs and Forestar (USA) Real Estate Group, Inc. for Arrowhead Ranch (551.071 Consultation with Attorney)

Convened to executive session at 5:35pm. 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, Robby Callegari, and Special Counsel David Tuckfield. Reconvened to the regular meeting at 6:15pm.

IV. RECESS

V. RECONVENE AT 7:05 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.

- A. Texas Gas Service Update on Dripping Springs Expansion Project – October 22nd Town Hall Meeting was announced by Deputy City Administrator Ginger Faught.
- B. Dripping Springs Rotary Club Project to Benefit Founders Memorial Park, *Mary Ellen King, President, Dripping Springs Rotary Club*

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, August 11, 2015
- B. Approval of Treasurer's Report for August 2015
- C. Approval of the 2016 Meeting Schedule and Holidays for City Council and Commissions

- D. Approval of Appointment of John McIntosh to Serve on the Planning and Zoning Commission, Term to Expire June 2017
- E. Approval of Appointment of Michael Lavengco to Serve on the Planning and Zoning Commission and of Mim James to Serve as the Planning and Zoning Commission Chair, Terms to Expire June 2017, Effective October 1, 2015
- F. Approval of Facilities Use Agreement Between the City of Dripping Springs and the Dripping Springs Lions Club for Christmas on Mercer Street
- G. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and Dripping Springs Songwriters Festival for the 2nd Annual Dripping Springs Songwriters Festival on October 16th - 18th, 2015, *Laurie Halfpenny, Jim Halfpenny, and Dave Niemeyer, Owners (Sponsor: Mayor Pro Tem Bill Foulds)*
- H. Approval of Agreement between the City of Dripping Springs and Mercer Street Dancehall, LLC for Alcohol Concessions at the Dripping Springs Fair & Rodeo to be held at Dripping Springs Ranch Park on October 2nd - 4th, 2015 (*Sponsor: Mayor Todd Purcell*)
- I. Approval of and Authorization for Creation of an Accounting Clerk/Receptionist Position and Authorization to Allow the City Administrator to Hire Employee for the Position
- J. Approval of Request from the Dr. Pound Historical Farmstead to Use Portions of Founders Memorial Park for Pioneer Day Parking on September 26, 2015, *Andrea Larsen, Executive Director of the Friends of the Pound House Foundation*
- K. Approval of Temporary Street Closure Request from Dripping Springs Independent School District to close portions of Sportsplex Drive, Mercer Street, San Marcos Street, Old Fitzhugh Road, Bluff Street, and Wallace Street on Wednesday, September 23, 2015 from 6:00pm to 8:30pm to facilitate the Homecoming Parade, and Request for Waiver of the Street Closure Application Fee and the City Engineer's Inspection Fees, *Karen Tiller, Student Council Sponsor, Dripping Springs High School, (Sponsor: Mayor Todd Purcell)*
- L. Approval of the Maintenance Agreement between the City of Dripping Springs and Hill Country Wastewater Services, Inc. for Sewage System Inspections at Dripping Springs Ranch Park (*Sponsor: Mayor Todd Purcell*)
- M. Approval of Proclamation Declaring September 2015 as "Helping Hands Awareness Month"
- N. Approval of Proclamation Declaring September 2015 as "Hunger Action Month"
- O. Approval of Proclamation Declaring October 6, 2015 as "National Night Out" in Dripping Springs, Hays County, Texas

Council Member John Kroll motions to approve consent items. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes. Council Member Wade King reads aloud the Proclamation declaring September 2015 as "Helping Hands Awareness Month". Council Member John Kroll reads aloud the Proclamation declaring September 2015 as "Hunger Action Month". Council Member Charles Busbey reads aloud the Proclamation declaring October 6, 2015 as "National Night Out".

IX. SUBDIVISIONS

Consideration and Possible Action On:

- A. Minor Plat and Parkland Dedication for Twenty Six Doors Subdivision, Located at the Intersection of Purcell Lane and Rose Drive, *Mark Lander, Gateway 26 Doors, LLC, Applicant*
 - 1. Presentation – Mark Lander, Applicant
 - 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff

recommends approval of the minor plat as submitted. Regarding the Parkland Dedication, staff recommends waiving the cash in lieu fees, requiring payment of the Ag Facility Fee, and approval of the parkland dedication as presented.

3. Parks and Recreation Commission Report – The Commission voted to approve the Parkland Dedication as presented, including waiver of the balance of the cash-in-lieu for parkland dedication, but requiring payment of the Ag Facility Fee of \$945.
 4. Planning and Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted to approve the Minor Plat and Parkland Dedication according to staff and Parks and Recreation Commission recommendations.
 5. Public Hearing – No one speaks
 6. Minor Plat
 7. Parkland Dedication - Council Member Santos Alba motions to approve the Minor Plat and Parkland Dedication according to staff and Commission recommendations. Council Member John Kroll seconds. Council Member Charles Busbey asks about the relationship between the City and the charitable donation portion of the project. City Attorney Alan Bojorquez states that this is not a gift to Habitat for Humanity from the City, but the waiver of a fee. VOTE: 5-0 in favor, motion passes.
- B. Replat of A. Benney Subdivision, Lot 6A, Located at southwest intersection of Benney Lane and Mighty Tiger Lane, *Reba Byrd, Blanco 1 Partners, LP, Applicant*
1. Presentation – Mark Lander, Applicant’s Representative
 2. Planning Director’s Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the Replat as submitted with no conditions.
 3. Planning and Zoning Commission Report – Commission Chair Larry McClung 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 according to staff’s recommendations. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- C. Preliminary Plat for Section 4, Texas Heritage Village (Meritage Homes), Located at the northern terminus of North Rob Shelton Blvd, east of RR12, and south of Founders Park Road, *Sal Baeza, PE, Pape Dawson Engineering and Matthew Scrivener, Meritage Homes, Applicants*
1. Presentation – Sal Baeza, Applicant’s Representative
 2. Planning Director’s Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the Preliminary Plat.
 3. Planning and Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted 5-1 to approve the Preliminary Plat.
 4. Public Hearing – No one speaks
 5. Preliminary Plat - Council Member Santos Alba motions to approve the Replat according to staff’s recommendations. Council Member John Kroll seconds. Council Member Charles Busbey states that we need to work closely with the developer on traffic improvements and the connection to Founders Park Road. VOTE: 5-0 in favor, motion passes.
- D. Discussion of Scenic Greens Subdivision Amended Concept Plan, Master Plan for Parks and

Open Space, and Proposed Public Improvement District, Located at northwest intersection of US Hwy 290 West and McGregor Road, *Brett Burke, PE, Bury Engineering, and Russ Allison, Argent Management, Applicants (No action to be taken)*

1. Presentation – Brett Burke, Bury Engineering, and Steve Metcalf, Development Attorney for the project.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff is asking for feedback from Council for staff and the developer.
3. Planning and Zoning Commission Report – Commission Chair Larry McClung states that the Commission discussed several aspects of this project, particularly the financing. Commission Vice Chair Mim James states that two Commissioners volunteered to form a subcommittee to review this project in more detail, and outlines some of the impacts on the City's finances. City Administrator Michelle Fischer states that the Planning and Zoning Commission and staff have formed a committee and would welcome participation by one or more Council members.
4. Discussion – Council discusses the addition of the elementary school and its location. Council Member John Kroll asks the School District's representative their opinion on the school addition, and the feedback was positive. Council Member Kroll asks the Emergency Services representative their opinion, and the feedback was positive. Council Member Charles Busbey asks for more information about the PID financing. Steve Metcalf gives an overview of the history and current statistics regarding PID financing. Council discusses transportation and traffic studies related to the project, interconnectivity to other developments, wastewater, the potential impacts of the financing and the various public improvement plans. No action was taken.

E. Replat of Walker Springs, Lots 5 & 6, Located at 333 US Hwy 290 East (northern two tracts), *YHYDJ OF DS, LLC, Applicants*

1. Presentation – Sal Baeza, Applicant's Representative
2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the Replat as submitted with no conditions.
3. Planning and Zoning Commission Report - Commission Chair Larry McClung 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 according to staff's recommendations. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

Council Member John Kroll and Planning Director Jon Thompson leave the room at 8:12pm.

X. 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
2. Staff Report (Cindy Luongo Cassidy, Lighting Consultant) - Cindy Luongo, report and recommendations for approval with conditions are on file.
3. Planning and Zoning Commission Report - Commission Chair Larry McClung states that the Commission voted to grant the variance request with a recommendation to City Council that they approve a development plan to mitigate the lighting on DSISD properties that need to be brought into compliance.
4. Public Hearing – No one speaks
5. Variance Requests – Council discusses the various fields and lighting, standards required by the City's ordinance and UIL, safety issues related to lighting, when the lights will be used, and the difference between shielding and brightness. Mayor Pro Tem Bill Foulds motions to table the Variance Requests. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.

Council Member John Kroll and Planning Director Jon Thompson returned to the meeting at 8:38pm.

B. Discussion of Conditional Use Permit Applications and Signage for a Proposed Mobile Food Park and Bar at 26155 Ranch Road 12, *Nico Ilai and Steve Gee, Applicants (No action to be taken)*

1. Presentation – Nico Llai, Applicant
2. Planning Director's Report - Planning Director Jon Thompson, report on file.
3. Planning and Zoning Commission Report – Commission Chair Larry McClung states that the Commission discussed the number of trailers anticipated, the visibility of the trailers, the potential layout, parking, emergency vehicle access due to the narrow lot, signs, operating hours, and the amount of time City staff has spent on this project. Considering this type of business idea is becoming more popular in the area, it is probably a good idea to spend a little more time with applicants.
4. Discussion – Council discusses the location and size of the lot, parking issues, the mobile food vendor ordinance, setback issues, impact on adjacent property owners, operating hours, the proximity of the nearby church, emergency vehicle access, ingress and egress, and water and wastewater. No action was taken.

XI. BOARD OF ADJUSTMENT

Consideration and Possible Action on:

A. Sign Variance Request to Allow Modification of a Nonconforming Pole Sign for Mercer Street Plaza, located at 330 and 332 Mercer Street, *Marsha Young, Applicant and Linda Carter, Owner*

1. Presentation – Linda Carter, Owner
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 – Commission Chair Larry McClung states that the Commission voted to approve the Sign Variance Request as outlined by City Administrator Michelle Fischer which includes getting a liability waiver on the pole structure approved by the City Attorney and being subject to administrative review of the revised signage.

4. Public Hearing – Pam Owens from the Dripping Springs Chamber of Commerce states that it would be nice if the signs were approved in order to give the business visibility.
 5. Variance Request to Allow Modification of a Nonconforming Pole Sign - Council Member Charles Busbey motions to approve the Variance Request according to staff's recommendations. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Sign and Lighting Variance Requests for AT&T, Located at 1025 Cannon Drive, *Beverly Dippel, Priority Sign*
1. Presentation - None
 2. Sign Administrator's Report – City Sign Administrator Michelle Fischer, report on file. Staff recommends the variance request be approved with the condition that the sign's lighting fixture be limited to 3,000 kelvin.
 3. Planning and Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted to approve the request with the condition that the sign's lighting fixture be limited to 3,000 kelvin.
 4. Public Hearing – No one speaks
 5. Variance Request to Allow more than 1/3 of the illuminated portion of a sign to be white – Mayor Pro Tem Bill Foulds motions to approve the Variance Request according to staff's recommendations, with the condition that if a business has more than 3 violations of the lighting ordinance in a 12 month period, they lose their sign. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- C. Sign Variance Requests for Sophie's Garden Salon, located at 665 US HWY 290 West, *Lisa Gilliam, Applicant*
1. Presentation – Lisa Gilliam, Applicant
 2. Sign Administrator's Report - City Sign Administrator Michelle Fischer, report on file. Staff recommends approval of the variance request with the conditions stated in the report.
 3. Planning and Zoning Commission Report – Commission Chair Larry McClung states the Commission voted to approve the variance requests according to staff's recommendations.
 4. Public Hearing – No one speaks
 5. Variance Request to Allow a Roof Sign
 6. Variance Request to Allow a Nonconforming Pole Sign to Remain - Council Member John Kroll motions to approve the Variance Requests according to staff's recommendations. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- D. Sign Variance Request to Allow a Monument Sign for a Multiunit Complex to Exceed the Maximum Area Allowed for the Dripping Springs Ranch Park and Events Center, located at 1042 Event Center Drive, *Lynne Dickinson, Dripping Springs Ranch Park Manager, Applicant*
1. Presentation - None
 2. Sign Administrator's Report - City Administrator Michelle Fischer, report on file. Staff recommends approval of the variance request.
 3. Planning and Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted to approve the variance request according to staff's recommendation.

4. Public Hearing – No one speaks
5. Variance Request to Allow a Monument Sign for a Multiunit Complex to Exceed the Maximum Area Allowed - Council Member Charles Busbey motions to approve the Variance Request according to staff's recommendations. Council Member Santos Alba seconds. VOTE: 4-1 in favor, Council Member John Kroll votes Nay, motion passes.

XII. TRANSPORTATION

Consideration and Possible Action on:

- A. Resolution 2015-37: A Resolution of the City of Dripping Springs Accepting Benney Lane for Public Maintenance (*Sponsor: Council Member Charles Busbey*)
 1. Staff Report – City Engineer Rick Coneway, report on file. Staff recommends approval of Resolution 2015-37.
 2. Resolution 2015-37 - Council Member Charles Busbey motions to approve Resolution 2015-37 according to staff's recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- B. Resolution 2015-38: A Resolution of the City of Dripping Springs to Enter Into an Agreement with the Texas Department of Transportation for the Acquisition of Right-of-Way for the Future Roger Hanks Parkway Extension Pursuant to and in Accordance with Transportation Code Section 202.021(e-2). (*Sponsor: Council Member Charles Busbey*)
 1. Staff Report – Deputy City Administrator Ginger Faught, report on file. Staff recommends approval of Resolution 2015-38.
 2. Public Hearing – No one speaks
 3. Resolution 2015-38 - Council Member Santos Alba motions to approve Resolution 2015-38 according to staff's recommendations. Council Member Charles Busbey seconds. VOTE: 4-0-1 in favor, Council Member John Kroll abstains, motion passes.

XIII. UTILITIES AND PUBLIC WORKS

Consideration and Possible Action on:

- A. Agreement between the City of Dripping Springs and Blue Blazes Development, LLC for the Provision of Non-Standard Retail Water Service (*Sponsor: Mayor Pro Tem Bill Foulds*)
 1. Staff Report - Deputy City Administrator Ginger Faught, report on file. Staff recommends approval of the agreement.
 2. Agreement - Council Member John Kroll motions to approve the agreement according to staff's recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XIV. BUSINESS

Consideration and Possible Action On:

- A. Public Hearing on adoption of Proposed Fiscal Year 2016 Budget; funding municipal purposes; authorizing expenditures; providing for a severability clause; and providing for an effective date. - No one speaks
- B. First 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

Convened to executive session at 9:40pm. 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, Robby Callegari, and Special Counsel David Tuckfield. Reconvened to the regular meeting at 10:00pm.

XV. 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

XVI. ANNOUNCEMENTS

- A. Regular Parks & Recreation Commission Meeting, September 14, 2015, at 6:00 p.m.
- B. Regular Historic Preservation Commission Meeting, September 14, 2015 at 7:00 p.m.
- C. Regular City Council Meeting, September 15, 2015 at 6:00 p.m.
- D. Regular Planning & Zoning Commission Meeting, September 22, 2015 at 7:00 p.m.
- E. Special City Council Meeting, September 24, 2015 at 6:00 p.m.

XVII. ADJOURN – Mayor Pro Tem Bill Foulds motions to adjourn the meeting. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 10:02pm.