

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, August 11, 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 5:30pm. All present except Mayor Todd Purcell and Planning Director Jon Thompson. Also present is City Engineer Rick Coneway and Parks and Recreation Commission Vice Chair Eric Russell.

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

City Treasurer Gina Gillis provides an overview of the draft FY 2016 budget. No action taken.

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 status and negotiations for the Roadway and Development Agreement concerning property at Roger Hanks Parkway and U.S. 290. (551.071 Consultation with City Attorney)

- B. Consultation with City Attorney Regarding City-Wide Trails Plan (551.071 Consultation with City Attorney)
- C. Personnel: Status of City Engineer and Administrative Assistant Positions (551.074 Personnel Matters)
- 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 City Attorney Regarding the Carter Ranch Development Agreement (551.071 Consultation with City Attorney)

Convened to executive session at 6:42pm to discuss executive session items and regular agenda items XV. A and B. 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, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 7:13pm.

IV. RECESS

V. RECONVENE AT 7:13 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. Recognition of Commissioners and Board Members Whose Terms Expired in June 2015
Mayor Pro Tem Bill Foulds recognizes, thanks and presents plaques to the following former Commissioners and Board Members whose terms ended in June 2015: Kambra Bolch, Britt Figueroa, Steve Fournier, John McIntosh and Josef Martin.

Robin Robinson, Dripping Springs Community Partnership – Introduces the Community Partnership and their mission, and presents the story of Rocio Flores' and her family, and their associated GoFundMe campaign.

Theresa Strube, Resident of Dripping Springs – The quality of the road on the southbound lane of RR12 South of US HWY 290, near the Caliterra development. The road is a washboard and should not have passed inspection.

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, July 14, 2015
- B. Approval of Treasurer's Report for July 2015

- C. Approval of Appointments of Claudia Oney and Gary Gilstrap to Serve on the Farmers Market Association Board, Terms to Expire June 2017
- D. Approval of Facilities Use Agreement Between the City of Dripping Springs and the Dripping Springs Lions Club for Christmas on Mercer Street
- E. Approval of Co-Sponsorship Agreement between the City of Dripping Springs, the Texas International Dark Sky Association, and the Hays County Master Naturalists for the Texas Night Sky Festival at Dripping Springs Ranch Park Event Center on March 5, 2016 (*Sponsor: Council Member Santos Alba*)
- F. Approval of Co-Sponsorship Application 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)*
- G. Acceptance of Engagement Letter and Approval of Proposal from the Accounting Firm of Donald A. Allman, CPA, PC for Fiscal Year 2015 Audit (*Sponsor: Councilman Busbey*)
- H. Approval of Request for Reduction on Food Handler Class Fees, *Dripping Springs Independent School District (Sponsor: Mayor Pro Tem Foulds)*
- I. Approval of Request for Waiver/Reduction of Food Establishment Inspection Fee for Society of St. Vincent de Paul Food Pantry, *Brian Caswell, Society of St. Vincent de Paul (Sponsor: Mayor Pro Tem Foulds)*
- J. Approval of Resolution 2015-36: A Resolution of the City of Dripping Springs to Implement the Acquisition of Right-Of-Way for the Future Parkway Extension as Part of the City's Transportation Master Plan and Authorizing Contracts for an Appraiser and Escrow Agent (*Sponsor: Councilman Busbey*)
- K. Approval of Proclamation Declaring September 17-23, 2015 "Constitution Week" and September 17, 2015 "Constitution Day" (*Sponsor: Councilman Busbey*)
- L. Approval of Request from American Heritage Girls Troop TX 0522 for a waiver of the Veterans Memorial Park/The Triangle Rental Fee (*Sponsor: Councilman Busbey*)

Council Member Charles Busbey motions to approve consent items. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes. Council Member Charles Busbey reads aloud the proclamation for item K.

IX. SUBDIVISION PARKLAND DEDICATIONS

Consideration and Possible Action On:

- A. Master Open Space and Parkland Dedication Plan for Caliterra Subdivision, Located at 26025 Ranch Road 12, *Development Solutions CAT LLC, Applicant*
 - 1. Presentation - None
 - 2. Staff Report - Brent Luck, the City's Parks and Recreation Consultant, report on file.
 - 3. Parks & Recreation Commission Report - None
 - 4. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve according to staff's recommendations with the conditions that the easement must be specified on the preliminary and final plats and that the City is not prohibited from proceeding with the trail.
 - 5. Public Hearing – No one speaks
 - 6. Master Open Space & Parkland Dedication Plan - Council Member Santos Alba motions to

approve according to the recommendations of staff and the Planning and Zoning Commission. Mayor Pro Tem Bill Foulds seconds. VOTE: 4-0-1 in favor, Council Member Charles Busbey abstains, motion passes.

X. ZONING

Consideration and Possible Action on:

- A. Ordinance No. 1220.115: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of 401 US Hwy 290 East (Lone Star Capital Bank) from Commercial Services (CS) to Office (O), *Danny Buck, President, Applicant*
1. Presentation – Applicant is available for questions.
 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the zoning amendment.
 3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve according to staff's recommendations.
 4. Public Hearing – No one speaks
 5. Ordinance No. 1220.115 - Council Member Santos Alba motions to approve according to staff's recommendation. Council Member Charles Busbey seconds. VOTE: 4-1 in favor, Council Member John Kroll votes Nay, motion passes.
- B. Ordinance No. 1220.116: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of 500 Mercer Street (Homestead at the Dripping Springs) from Single Family Low Density (SF-1) to Local Retail (LR), *Charles W. Haydon, Applicant/Owner*
1. Presentation – Charles Haydon is available for questions.
 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the zoning amendment with the condition that the existing lighting be brought into compliance if needed.
 3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve according to staff's recommendations.
 4. Public Hearing – No one speaks
 5. Ordinance No. 1220.116 – Council Member Wade King motions to approve Ordinance 1220.116. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XI. SIGNS

- A. Requests for Waiver and Variances Regarding Exterior Design & Architectural Standards, Lighting, and Signage for Schlotzsky's, Located at 1025 Cannon Drive, Suite 101, *Aetna Sign Group, Applicant on behalf of Schlotzsky's*
1. Presentation - None
 2. Sign Administrator's Report - City Administrator Michelle Fischer, staff's recommendation and report on file.
 3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve staff's recommendations as related to signage including denial of the sign on the side of the building, and approves the awning option three as designed with the condition that the coloring be compatible with the rest of the building and the final design is approved by the City's Sign Administrator.

4. Public Hearing – No one speaks

5. Waiver and Variance Requests

- a. Variance Request to Exceed the Maximum Number of Signs Allowed for a Business in a Multi-Unit Property
- b. Waiver Request from Exterior Design & Architectural Standards Ordinance for Drive-Thru Window Awning
- c. Variance Request to Allow a Menu Board
- d. Variance Request to Allow the Use of White in Internally Illuminated Menu Board and Directional Signs that is not a Logo

Council discusses the sign ordinance and how businesses have been presenting their sign plans. Council Member Wade King motions to approve staff and Planning and Zoning Commission recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

B. Sign Variance Requests and License Agreement for the Founders Ridge Subdivision Entrance Sign, located at 29220 Ranch Road 12, *SEC Planning, Applicant on behalf of Taylor Morrison Homes*

1. Presentation – Michael Slack from Taylor Morrison is available for questions.
2. Sign Administrator's Report - City Administrator Michelle Fischer, report on file. Staff recommends approval of both variance requests.
3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve staff's recommendations with the condition that staff will add a requirement to the license agreement that in the event that the sign is damaged, the party responsible for maintaining it will initiate repairs in a timely period as determined by staff in the agreement, and that the cost will be borne by the party responsible for maintaining the sign at the time the damage occurs.
4. Public Hearing – No one speaks
5. Variance Request to Allow a Subdivision Entrance Sign to be Located in the Right Of Way
6. Variance Request to Allow a Subdivision Entrance Sign to Exceed the Maximum Area Allowed - Council Member John Kroll motions to approve both variance requests according to staff and Planning and Zoning Commission recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
7. License Agreement - Council Member Santos Alba motions to approve the license agreement. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XII. TRANSPORTATION

A. Letter Agreement between the City of Dripping Springs and HDR Engineering, Inc. for Preparation of Signage and Striping Plans for Sportsplex Drive (*Sponsor: Councilman Busbey*)

1. Transportation Committee Report – Transportation Committee's report is on file. The Committee recommends approval of the Letter of Agreement.
2. Letter Agreement - Council Member Charles Busbey motions to approve the agreement. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XIII. UTILITIES AND PUBLIC WORKS

- A. Wastewater Service and Impact Fee Agreement between the City of Dripping Springs and YHYDJ of DS LLC for a Holiday Inn Express located at Walker Springs, Lot 5 in Planned Development District No.3 (*Sponsor: Mayor Pro Tem Foulds*)
1. Staff Report – Deputy City Administrator Ginger Faught, report on file. Staff recommends approval.
 2. Wastewater Service and Impact Fee Agreement - Council Member John Kroll motions to the agreement. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XIV. PARKS AND RECREATION

- A. Ordinance No. 1510.91: 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 – Dripping Springs Ranch Park Manager Lynne Dickinson, report on file. Staff recommends approval.
 2. Public Hearing – Teresa Strube – Is concerned about people letting their dogs run around in the parks without a leash.
 - 3 Ordinance 1510.91 – Council Member Charles Busbey motions to approve Ordinance 1510.91 except section 16.02.046, and directs staff to review that section and revise it. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- B. Rental Agreement between the City of Dripping Springs and Gillespie County Fair Association for the Rental of Portable Bleachers September 9 through 14, 2015, *Greg Mohr, Fredericksburg PBR Chairman (Sponsor: Mayor Purcell)*
1. Staff Report - Dripping Springs Ranch Park Manager Lynne Dickinson, report on file. Staff recommends approval.
 2. Rental Agreement - Council Member Santos Alba motions to approve the Rental Agreement. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- C. Conceptual Plan for Dripping Springs Ranch Park Entrance Sign (*Sponsor: Mayor Purcell*)
- Dripping Springs Ranch Park Manager Lynne Dickinson presents this item, report on file. No action taken.
- Council Member Charles Busbey motions to move Business Items A and B to the end of the meeting. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XV. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1310.34: 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 fourteen (14) tracts of land located in the following areas: 23.77 acres out of the Dos Lagos Subdivision, Volume 12, Pages 297-299, Plat Records of Hays County, Texas; 56.60 acres out of the Thomas B. Lee Survey No. 293; and 2.84 acres of the Ladera Subdivision, Volume 7, Page 51, Plat Records of Hays County, Texas.
1. Petitions

2. Public Hearing – No one speaks
 3. Ordinance No. 1310.34 – Council Member John Kroll motions to approve Ordinance 1310.34. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Ordinance No. 1310.35: 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 eight (8) tracts of land approximately 16.22 acres out of the Dos Lagos Subdivision, Volume 12, Pages 297-299, Plat Records of Hays County, Texas.
1. Petitions
 2. Public Hearing – No one speaks
 3. Ordinance No. 1310.35 - Council Member Santos Alba motions to approve 1310.35. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- C. Ordinance No. 1930.13: Amendment to Chapter 6, Article 3 of the Code of Ordinances (Special Events) Providing for Permits for Outdoor Amplified Music (*Sponsor: Mayor Pro Tem Bill Foulds*)
1. Staff Report – City Administrator Michelle Fischer, report on file. Staff recommends approval.
 2. Public Hearing – No one speaks
 3. Ordinance No. 1930.13 - Council Member Santos Alba motions to approve Ordinance 1930.13. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- D. Application for Special Event Permit for 1400 Miles Community Bike Ride and Request to Have Amplified Music at the Special Event, located at 23455 W. RR 150, *Twisted X Brewing Co., Applicant (Sponsor: Mayor Pro Tem Bill Foulds)*
1. Presentation – Jim Sampson, Twisted X Brewing Company
 2. Staff Report - City Administrator Michelle Fischer states that we have not received any public comment on this item and the applicant was very clear about the purpose of the request. Staff recommends approval.
 3. Public Hearing – No one speaks
 4. Special Event Permit and Request to Have Amplified Music - Council Member Santos Alba motions to approve the Special Event Permit. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- E. Fiscal Year 2015 Budget Request Regarding the Expenditure of Hotel Occupancy Tax Funds (*Sponsor: Councilman Busbey*)
1. Request from Historic Preservation Commission for Fiscal Year 2015 Budget Amendment for the Revision and Printing of *Discover Dripping Springs: A Historic Experience* Brochure
 2. Recommendation from City Staff for the Purchase of Advertising for City Sponsored Events
- City Administrator Michelle Fischer, report on file. Staff recommends approval. Council Member Charles Busbey motions to approve both requests. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XVI. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Dripping Springs Ranch Park Monthly Report
- B. Farmers Market Manager's Monthly Report
- C. Maintenance Director's Monthly Report
- D. Transportation Committee Monthly Report

XVII. ANNOUNCEMENTS

- A. Regular Planning & Zoning Commission Meeting, August 25, 2015 at 7:00 p.m.
- B. Regular Farmers Market Association Board Meeting, September 8, 2015 at 10:00 a.m.
- C. Regular City Council Meeting, September 8, 2015 at 7:00 p.m.
- D. Regular Parks & Recreation Commission Meeting, September 14, 2015, at 6:00 p.m.
- E. Regular Historic Preservation Commission Meeting, September 14, 2015 at 7:00 p.m.
- F. Regular City Council Meeting, September 15, 2015 at 6:00 p.m.

- XVIII. ADJOURN** - Council Member Charles Busbey motions to adjourn the meeting. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 8:55pm.