

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, July 14, 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 Todd Purcell calls the meeting to order at 5:35pm. All present except Council Member John Kroll and City Attorney Alan Bojorquez. Also present is Assistant City Attorney Theresa Pham.

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. Consultation with City Attorney Regarding Petitions from Property Owners for inclusion of certain properties into the City's Extraterritorial Jurisdiction (ETJ) (551.071 Consultation with City Attorney)
- B. 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)
- 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)

Convened to executive session at 5:48pm. Present: Mayor Todd Purcell, Mayor Pro Tem Bill Foulds, Council Member Santos Alba, Council Member Charles Busbey, Council Member Wade King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Assistant City Attorney Theresa Pham, Planning Director Jon Thompson, and Special Counsel David Tuckfield. Recessed at 6:55pm.

IV. RECESS

V. RECONVENE AT 7:03 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.

Terry Tull, ETJ resident – Regarding the City’s agreement with CMA I understand why the city is moving forward and that they don’t want to do anything detrimental to Onion Creek. You have a long history of doing the right things in the interest of the community, so for the effluent I urge you to do the right thing and say no to anything that would put at risk Onion Creek. Regarding the trail plan, some are along Onion Creek, and no one wants to see that damaged. If you do go with CMA, please adopt a policy that states they will not discharge effluent into any stream unless it has been treated and will enhance normally flowing water.

Dave Edwards, 30 year member of community – Regarding the City’s agreement with CMA, I applaud you for forward thinking for the community and I applaud the effort to study the regional wastewater system.

Patrick Rose, Chair of the Economic Development Committee submitted a letter of support regarding the City’s agreement with CMA (letter on file). Deputy City Administrator Ginger Faught read the letter aloud.

Jimmy Skipton – Regarding the potential incorporation of Henley. The law firm hired to represent the people trying to incorporate Henly is the same law firm used by the City of Dripping Springs. I am concerned there is a conflict of interest and encourage you to look into it.

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, June 9, 2015

B. Approval of Treasurer's Report for June 2015

C. Approval of Section 125 Flexible Spending Arrangement (FSA) Account - QE Premium Only Service Agreement Between the City of Dripping Springs and Texas Municipal League MulitState Intergovernmental Employee Benefits Pool

- D. Approval of COBRA Continuation of Coverage Administrative Agreement Between the City of Dripping Springs and Texas Municipal League MultiState Intergovernmental Employee Benefits Pool
- E. Approval of Acknowledgement of Contractor Disclosure of Interest Form Submitted by Keenan E. Smith
- F. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and Dripping Springs Helping Hands for the 18th Annual Empty Bowls Project (*Sponsors: Mayor Pro Tem Foulds and Council Member King*)
- G. Approval of Overhead Electrical Easement to Pedernales Electric Cooperative on City Owned Property at Headwaters at Barton Creek Development (*Sponsor: Mayor Pro Tem Foulds*)
- H. Approval of Appointment of Councilman Charles Busbey to the City's Transportation Committee as the City Council Representative (*Sponsor: Mayor Purcell*)
- I. Approval of Authorization of Mayor Purcell to Appoint an Exploratory Skate Park Committee and to Approve the Scope of the Committee
- J. Approval of Consulting Services Agreement between the City of Dripping Springs and Klotz & Associates, Inc. for Hydrologic and Hydraulic Evaluation of Little Barton Creek Dam at Dripping Springs Ranch Park (*Sponsor: Mayor Purcell*)
- K. Approval of Authorization of the Reappraisal of all Property Damaged from the Disaster which occurred May 24, 2015 (*Sponsor: Council Member Busbey*)
- L. Approval of Purchase of City Maintenance Truck, Trailer, and Mule Utility Vehicle (*Sponsor: Mayor Todd Purcell*)
- M. Approval of Resolution 2015-32: A Resolution of the City of Dripping Springs Accepting Construction Bond for the Burrows Subdivision (*Sponsor: Council Member Kroll*)
- N. Approval of Resolution 2015-33: A Resolution of the City of Dripping Springs Accepting Construction Bond for Founders Ridge Subdivision (*Sponsor: Council Member Kroll*)
- O. Approval of Resolution 2015-34: A Resolution of the City of Dripping Springs Releasing the Maintenance Bond for Improvements to Rob Shelton Boulevard (*Sponsor: Council Member Kroll*)
- P. Approval of Proclamation Declaring July 14, 2015 "BoDeans Day" (*Sponsor: Council Member King*)

Council Member Santos Alba motions to approve all consent items. Mayor Pro Tem Bill Foulds seconds. VOTE: 4-0 in favor, motion passes. Council Member Wade King reads aloud the Proclamation for item P.

IX. SUBDIVISIONS

Consideration and Possible Action On:

- A. Replat of Lot 2, Counts Estates, Phase 1, and Lot 1, Block A, Counts Tract Subdivision, *Kevin & Kristy Franta and Chris & Amanda Kelley, Owners / Applicants*
 - 1. Presentation - None
 - 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval of the Replat as presented with no conditions.
 - 3. Planning & Zoning Commission Report – Planning and Zoning 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. Council Member Charles Busbey seconds. VOTE: 4-0 in favor, motion passes.

X. SITE DEVELOPMENT

- A. Request for Six Month Extension of Site Plan Approval for Springs Lane Business Center, 171 Springs Lane, *Ben Sorrell, Applicant*
 1. Presentation – Ben Sorrell, Applicant, is available for questions.
 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends the approval of a six month extension for the site plan approved for Mr. Sorrell on July 5, 2013 for a period not to extend beyond six months (January 5, 2016).
 3. Public Hearing – No one speaks
 4. Approval of Extension for Site Plan Approval - Council Member Charles Busbey motions to approve the request according to staff's recommendation. Council Member Santos Alba seconds. VOTE: 4-0 in favor, motion passes.

XI. BOARD OF ADJUSTMENT

Consideration and Possible Action on:

- A. Conditional Use Permit Application to Allow for an Accessory Dwelling, Three Car Garage, and Work Shop, Located at 217 Shetland, *Dwayne and Valerie McJunkins, Applicant*
 1. Presentation - None
 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the Conditional Use Permit. The only conditions recommended are to extend the automatic approval to indefinite since this is a permanent structure and that the use must remain residential per the Zoning Ordinance.
 3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve the Conditional Use Permit.
 4. Public Hearing – No one speaks
 5. Conditional Use Permit - Council Member Wade King motions to approve the Conditional Use Permit according to staff's recommendations. Council Member Santos Alba seconds. VOTE: 4-0 in favor, motion passes.
- B. Conditional Use Permit Application to Allow for a Mobile Food Vendor Court and Associated Improvements, Located at 310 Old Fitzhugh Rd., *Tasha Nikora and Alysia Ferrer, Applicants*
 1. Presentation - None
 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the Conditional Use Permit with the conditions stated in the staff report.
 3. Historic Preservation Commission Report (see Planning Director's Report)
 4. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve the Conditional Use Permit according to staff's recommendation.
 5. Public Hearing – No one speaks
 6. Conditional Use Permit – Mayor Pro Tem Bill Foulds motions to approve the Conditional

Use Permit according to staff's recommendation with the condition that the Site Plan be required to go before the Planning and Zoning Commission and City Council. Council Member Santos Alba seconds. Council discusses the Old Fitzhugh Historical District and the appropriateness of this type of development in this area, the restroom facilities, the number of food trailers being allowed, operating hours considering it is a residential area, the existing mobile food vendor ordinance, and the definition of a mobile food trailer.

VOTE: 1-3 in opposition of the motion to approve, Mayor Pro Tem Bill Foulds votes Aye, Council Members Santos Alba, Charles Busbey and Wade King vote Nay, motion to approve fails.

XII. PARKS AND RECREATION

A. Resolution No. 2015-31: A Resolution of the City of Dripping Springs Approving the Amended City-Wide Trails Plan (*Sponsor: Council Member King*)

1. Presentation – City Administrator Michelle Fischer and Justin Bates, National Park Service provide a presentation.
2. Parks & Recreation Commission Report – None
3. Transportation Committee Report - None
4. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve the Resolution.
5. Public Hearing –

Unknown speaker – For the areas that do not have a connection yet, how are you going to connect them? Concrete trails are very dangerous when people fall, there is a high infection rate. Using concrete makes it look like the trails are geared more for bikers rather than walkers.

Terry Tull, ETJ resident - I applaud what you've done here and am wondering about how this will be extended into the ETJ area. Would like to see more about developing trails along the streams, and connection to trails outside ETJ.

6. Approval of Resolution No. 2015-31: A Resolution of the City of Dripping Springs Approving the Amended City-Wide Trails Plan - Council Member Wade King motions to approve Resolution 2015-31. Council Member Santos Alba seconds. Council discusses the inclusion/exclusion of the trails plan in the Transportation Plan, the maintenance time and cost to the City, realistic expectations of how often it will be used, who will be responsible for trail maintenance on pending and new developments, and the importance of planning now for the future. VOTE: 1-3, Mayor Pro Tem Bill Foulds and Council Members Santos Alba and Charles Busbey vote Nay, motion to approve fails. Mayor Pro Tem Bill Foulds motions to approve the Amended City-Wide Trails Plan with the condition that the WHEREAS in the Resolution that states "the City of Dripping Springs anticipates substantial use of trails linking neighborhoods to the central business district and city park system requiring trails, at a minimum, to be ten feet (10') wide concrete trails, with ten foot (10') buffers on each side unless otherwise approved by City;" be removed and replaced with "the City of Dripping Springs anticipates substantial use of trails linking neighborhoods to the central business district and city park system". Council Member Charles Busbey seconds and adds a friendly amendment to the motion to make the Trails Plan separate from the Transportation Plan, which Mayor Pro Tem Foulds accepts. VOTE: 3-1 in favor, Council Member Wade King votes Nay, motion passes.

Council Member Wade King leaves the meeting at 8:35pm.

- B. 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
 - 1. Staff Report - Lynne Dickinson, DSRP Manager, states that staff recommends that this item be tabled at this time.
 - 2. Public Hearing – No one speaks.
 - 3. Ordinance 1510.91 - Council Member Charles Busbey motions to table Ordinance 1510.91. Mayor Pro Tem Bill Foulds seconds. VOTE: 3-0 in favor of tabling the item, motion passes.
- C. Resolution 2015-35: A Resolution of the City of Dripping Springs Amending the Dripping Springs Ranch Park Arena Membership Rules
 - 1. Staff Report - Lynne Dickinson, DSRP Manager, report on file.
 - 2. Resolution 2015-35 - Council Member Santos Alba motions to approve Resolution 2015-35. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.
- D. 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 King*)
 - 1. Staff Report – City Administrator Michelle Fischer, report on file.
 - 2. Application - Council Member Santos Alba motions to approve the application. Mayor Pro Tem Bill Foulds seconds. VOTE: 3-0 in favor, motion passes.

XIII. UTILITIES AND PUBLIC WORKS

- A. In accordance with the Agreement between the City of Dripping Springs and CMA Engineering Inc. for South Regional Wastewater System, Wastewater Major Permit Amendment No. 2 (approved by City Council on June 9, 2015), and based on the Direct Potable Reuse Feasibility Study provided by Carollo Engineering, provide direction to CMA Engineering, Inc. regarding the method of final disposal to be submitted with the application for Wastewater Major Permit Amendment No. 2 which shall provide for Phase Three of the City's Wastewater Planning Process (*Sponsor: Mayor Pro Tem Foulds*) – Mayor Pro Tem Bill Foulds states that based on the City's evaluation of the July 10, 2013 Preliminary Engineering Planning Report prepared by CMA Engineering, the April 2015 Direct Potable Reuse Study prepared by Carollo Engineers, and the presentation given by Dr. Eva Steinle-Darling at the June 9, 2015 City Council meeting, I move that the City direct CMA Engineering, Inc. to use discharge as the method of final disposal to be submitted with the application for Wastewater Major Permit Amendment No. 2. Council Member Santos Alba seconds. VOTE: 3-0 in favor, motion passes.
- B. First Amendment to Wastewater Service and Impact Fee Agreement between the City of Dripping Springs, Hays County Development District No. 1 and Development Solutions CAT, LLC for the Caliterra Subdivision (*Sponsor: Mayor Pro Tem Foulds*)
 - 1. Staff Report – Deputy City Administrator Ginger Faught, report on file.
 - 2. Wastewater Utility Agreement – Mayor Pro Tem Bill Foulds motions to approve the agreement per staff's recommendations. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.

XIV. BUSINESS

Consideration and Possible Action On:

- A. Report on July 2nd First Thursday Event, *Sherrie Parks, Director, Dripping Springs Chamber of Commerce* - Dripping Springs Chamber of Commerce Executive Director Sherrie Parks presents the report to Council. Council agrees that future reports can be given to staff and are not required to be presented to City Council. No action taken.
- B. License Agreement Between the City of Dripping Springs and Taylor Morrison of Texas, Inc. for Landscape Improvements, Irrigation, Lighting/Electrical Improvements and Entry Monumentation for the Founders Ridge Subdivision (*Sponsor: Council Member Kroll*)
 - 1. License Agreement – Mayor Pro Tem Bill Foulds motions to approve the agreement per staff's recommendations. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.
- C. Appointment of Mayor Pro Tem – Council Member Santos Alba motions to appoint Bill Foulds as the Mayor Pro Tem. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes.

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 Planning & Zoning Commission Meeting, July 28, 2015 at 7:00 p.m.
- B. Regular Historic Preservation Commission Meeting, August 3, 2015 at 5:30 p.m.
- C. Regular Parks & Recreation Commission Meeting, August 10, 2015, at 6:00 p.m.
- D. Regular Farmers Market Association Board Meeting, August 11, 2015 at 10:00 a.m.
- E. Regular City Council Meeting, August 11, 2015 at 7:00 p.m.

- XVII. **ADJOURN** – Council Member Santos Alba motions to adjourn. Council Member Charles Busbey seconds. VOTE: 3-0 in favor, motion passes. Meeting adjourns at 8:43pm.