

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, June 9, 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 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. 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 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)
- C. Consultation with City Attorney regarding legal implications of legislation enacted during the 84th Regular Session of the Texas Legislature. (551.071 Consultation with City Attorney)

- D. Consultation with City Attorney regarding applicability of municipal site plan requirements and traffic impact analysis on projects located in the extraterritorial jurisdiction. (551.071 Consultation with City Attorney)

Convened to executive session at 5:46pm. 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, City Attorney Alan Bojorquez, and Planning Director Jon Thompson. Recessed at 6:15pm.

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE – Council Member Charles Busbey leads the Pledge of Allegiance.

VII. OATHS OF OFFICE

- A. Municipal Judge Marilyn Miller Administers Oaths of Office for Council Member Bill Foulds, Council Member Santos Alba, and Council Member Charles Busbey, Terms to Expire June 2017 – Judge Miller administers oaths.
- B. Mayor Todd Purcell Administers Oath of Office for Municipal Court Judge Marilyn Miller, Term to Expire June 2016 – Mayor Purcell administers oath.

VIII. 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. Donation of Six Painted Rocking Chairs from Harriet Greenlee and Family of Furniture in the Raw – Marianne Simmons, Chair of the Farmers Market Association Board, reads the press release (on file) related to the donation. She also announced that the Farmers Market has been awarded a \$1,000 Health Living Grant.

Bruce Turbow – States that as of June 1st, he has been appointed as a Board Member of the Dripping Springs Water Supply Corporation. He looks forward to working with the City.

IX. 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, May 19, 2015
- B. Approval of Treasurer's Report for May 2015
- C. Approval of Appointment of Marilyn Miller to Serve as Municipal Court Judge, Term to Expire June 2016

- D. Resolution 2015-29: A Resolution of the City of Dripping Springs Appointing Michelle Fischer to Place 4 of the Driftwood Economic Development Municipal Management District's Board of Directors

Mayor Pro Tem Bill Foulds motions to approve consent items. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

X. SUBDIVISIONS

Consideration and Possible Action On:

- A. Replat and Partial Vacation of Lot 3, Section 2, Texas Heritage Village Subdivision, Located at 401 Hwy 290 E, *Danny Buck, President & CEO, Lone Star Capital Bank, Owner*
1. Presentation – None.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval as submitted.
 3. Planning & Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve the replat and partial vacation.
 4. Public Hearing – No one speaks.
 5. Replat and Partial Vacation - Council Member Charles Busbey motions to approve the replat and partial vacation. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- B. Revised Preliminary Plat for Sections 15, 16, 17, 20, & 21 of the Belterra Subdivision, Located Southwest of the Intersection of Belterra Drive and Estes Drive, *Stephen Delgado, PE, Texas Engineering Solutions, on behalf of Crescent Belterra Texas, LLC, Owner*
1. Presentation – Steven Delgado is available for questions.
 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval as submitted.
 3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve the revised preliminary plat.
 4. Public Hearing – No one speaks.
 5. Revised Preliminary Plat - Council Member Santos Alba motions to approve the revised preliminary plat. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

XI. ZONING

Consideration and Possible Action on:

- A. Ordinance No. 1220.113: An Ordinance of the City of Dripping Springs Amending the Conditional Overlay Zoning to Allow for Reduction of Minimum Lot Size for Founders Ridge Subdivision, Located at 29220 RR 12, *Nancy Stroder, Taylor Morrison Homes*
1. Presentation – Nancy Stroder, Taylor Morrison Homes
 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff

recommends approval of the conditional overlay amendment to allow the minimum lot size be reduced from 8,500 square feet to 7,500 square feet.

3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve Ordinance 1220.113.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.113 - Council Member Charles Busbey motions to approve Ordinance 1220.113. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

B. Ordinance No. 1220.114: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of Tract 76A2, Springlake Subdivision (Merritt Hill Country Senior Living) from Commercial Services (CS) to General Retail (GR), *Blake Rue, Oryx Holdings, LLC, Applicant*

1. Presentation – None.
2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval as submitted.
3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve Ordinance 1220.114.
4. Public Hearing – No one speaks.
5. Ordinance 1220.114 – Mayor Pro Tem Bill Foulds motions to approve Ordinance 1220.114. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XII. BOARD OF ADJUSTMENT

Consideration and Possible Action on:

A. Request for Special Exception from City Code of Ordinances Chapter 30, Exhibit A, Section 3.8.3 Building Height; Section 3.8.6(h)(6) for Maximum Length of Building; and Section 5.6.1(c) for Parking Requirements for Merritt Hill Country Senior Living, Located at 28865 RR12 (Tract 76A2, Springlake Subdivision), *Blake Rue, Oryx Holdings, LLC, Applicant*

1. Presentation – Andrea Freiburger with Spring Architects, on behalf of Oryx Holdings
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval of the special exceptions to allow for the building height of three stories and up to 40 feet as measured from the midpoint of the roof of the Main Building; to allow for the building to exceed two hundred (200') in length; and a parking ratio of 1.25 spaces per unit. The recommendation for approval comes with the conditions that: 1. The City's Architectural Consultant approves their exterior design and massing study (this is what translates into the effect the height has on the neighboring tracts). A copy of the proposed massing study as it exists is included in the packets for this meeting. 2. The design of the building meets the fire code requirements, and that as per the Applicant's justification on the application for the building length comments – "The Merritt Hill Country Project incorporates enhanced fire protection by including two hour fire walls less than 200 feet apart..."
3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair

Larry McClung states that the Commission voted to approve all three special exceptions according to staff's recommendation.

4. Public Hearing – Laurel Robertson – I live downhill from this area and am concerned about the percent and location of the impervious cover and drainage.
5. Special Exceptions
 - a. Building Height - To exceed two stories; the height is to be 40 feet as measured at the midpoint of the roof of the Main Building
 - b. Building Length - Allow for the maximum length of a building to be exceeded.
 - c. Parking Requirements - Reducing the number of parking spaces required per unitCouncil discusses the exceptions and the issues and justifications for each.
Council Member John Kroll motions to approve all three exceptions according to staff's recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

B. Conditional Use Permit Application to Allow for Intradermal Cosmetic Studio at Pink West, Located at 511 Old Fitzhugh Road, *Deborah Carter, Owner / Applicant*

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 following conditions: 1. The applicant must apply for and obtain the proper State permits (pursuant to the Texas Health and Safety Code, Sections 146.002 – 146.0021) including a tattoo studio license, as well as any additional permits that may be required by the City's health and safety codes or building codes. 2. The CUP is restricted to only allow for the operation of an "intradermal cosmetic studio" as defined by the Texas Department of State Health Services.
3. 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.
4. Public Hearing – No one speaks.
5. Conditional Use Permit - Council Member Santos Alba motions to approve the conditional use permit according to staff's recommendations. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

C. Variance Request from the Sated Sheep (Located at 100 Commons, Suite # 5) to Allow the Sale of Alcoholic Beverages Less Than 300 Feet From a Church, *Allison Wilcox, Applicant*

1. Presentation – Allison Wilcox is available for questions.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
3. Public Hearing – No one speaks.
4. Variance - Council Member John Kroll motions to approve the variance request. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

XIII. UTILITIES AND PUBLIC WORKS

A. Direct Potable Reuse Feasibility Study (*Sponsor: Mayor Pro Tem Foulds*)

1. Presentation by Eva Steinle-Darling, Ph.D., P.E. (Carollo Engineering)

Dr. Eva Steinle-Darling provides a presentation on the study, which is on file.

Council Member Busbey: Option 1 does not take into consideration any income we would receive by selling the water?

Dr. Steinle-Darling: That is correct.

Council Member Busbey: So that would probably bring that total cost down I guess.

Dr. Steinle-Darling: If you were to sell the water you would be able to net lower costs.

Mayor Pro Tem Foulds: In your evaluation, is land application or discharge the most feasible and cost effective method of disposal?

Dr. Steinle-Darling: Based on our analysis in this report it is.

Mayor Pro Tem Foulds: Is land application or discharge the most?

Dr. Steinle-Darling: Basically, looking at an \$8,000,000 capital cost difference between a land application alternative versus a discharge alternative is pretty much a no brainer. Discharge is the most cost effective option between those two.

Mayor Pro Tem Bill Foulds: Looking at your slides I just want to be sure I understand, is it more feasible or cost effective to utilize land application as a method of disposal in this case?

Dr. Steinle-Darling: It is not the most feasible or cost effective method.

Mayor Pro Tem Bill Foulds: And there are several cities that are doing this right now, something similar, correct?

Dr. Steinle-Darling: Yes sir, there are three currently approved and two operating projects in the state of Texas. The two operating are: 1) in Big Spring operated by the Colorado River Municipal Water District, and 2) in Wichita Falls where they are taking water directly from wastewater treatment through the advanced process and sending it back.

Council Member Alba: From Big Spring, I read an article which I brought to City Hall, talking about Lubbock going into that.

Dr. Steinle-Darling: Yes, Lubbock has announced they are studying the issue, they were one of the partners on a development board research project to determine guidelines for how this should be done across the state. They have announced plans to go ahead with a study that is similar to the one we just finished for the City (of Dripping Springs). But as far as I know they have not announced any construction or are moving ahead with that project just yet. I think they are pretty serious about it.

Council Member Kroll: Is this prevalent in other states?

Dr. Steinle-Darling: It depends on how wide you take your view. Potable Reuse as a general process has been done for eons and certainly intentional potable reuse has been practiced in California and Arizona for half a century. Direct Potable Reuse is the distinction between something going into a natural buffer for a while and pulling it back out and say, putting it in an aquifer and then pull it out downstream, or put it in a reservoir and pulling it out downstream . Direct Potable Reuse where you would take that water and pipe it directly to potable usage is something that is only emerging, so there are only those two installations in this state. There are no others in the US.

Mayor Purcell: But it's emerging because the technology has improved, the processes have been improved. In your line of work, is this where we're going? Is this being talked about a lot, is it being looked at quite a bit?

Dr. Steinle-Darling: Yes sir, it has basically become one of the water supply options that many communities who are facing water supply shortages are looking at. Yes the technology has evolved, but it's not so much a shift in technology, the technology has been there for 10 or 20 years already or more than that, it's a shift in the mindset that this can be done and can be done safely. We've got a couple of example projects and people are doing well. The Utility Director at Wichita Falls said that when they shut off the DPR system they were getting calls from people asking why their water tasted so bad after they were not getting DPR water because it's a higher quality water. It is something that communities are looking at very seriously as part of their water supply portfolio.

Mayor Purcell: I think we're going to have to in this state because water is very precious, and if we don't start using it wisely and reusing it accordingly, we will get in trouble.

Council Member King: Just to be clear, we are talking about the possibility of drinking what is flushed, right? In the grand scheme of things that is where this water is coming from?

Dr. Steinle-Darling: Yes

Council Member King: Initially, and then it goes through this process.

Dr. Steinle-Darling: Yes.

Council Member King: So of all the things that get flushed, are pills even an issue? I think a lot of people discard of pills this way, rather than ways that are more appropriate, such as at a pharmacy, etc. But is that such a small thing compared to such a big thing, that it doesn't even matter after dilution?

Dr. Steinle-Darling: It matters, and that is one of the reasons why the treatment process is the way it is. There are a lot of contaminants, pharmaceuticals in particular, that are present in wastewater, and they are also present in natural water streams because of upstream wastewater influence, for example. But the advanced treatment processes are designed to address not only the explicitly regulated contaminants, but a whole slew of constituents of emerging concern that pharmaceuticals are a part of. Its not just people taking a bottle and flushing the pills down a toilet, but it's also what comes from our bodies. We all take medication, or almost everyone takes medication, which comes from our bodies

through the waste stream and those are addressed in large part by conventional wastewater treatment already. By the time you add on the advanced treatment processes, you end up with water that is significantly cleaner than most waters of conventional origin.

XIV. BUSINESS

Consideration and Possible Action On:

- A. Application for 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*)
 - 1. Letter of Request and Co-Sponsorship Application – Mayor Pro Tem Bill Foulds motions to approve the application. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Appointment of Planning & Zoning Commissioners, Parks & Recreation Commissioners, Historic Preservation Commissioners, Founders Day Commissioners, Farmers Market Association Board Members, and Economic Development Committee Members, Terms to Expire June 2017 – Mayor Pro Tem Bill Foulds motions to approve staff’s recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- C. Appointment of Chairs to Planning & Zoning Commission, Parks and Recreation Commission, and Economic Development Committee, Terms to Expire June 2017 – Mayor Pro Tem Bill Foulds motions to approve staff’s recommendations. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- D. Casting of City's Vote in the Pedernales Electric Cooperative Annual Election (*Sponsor: Council Member Alba*) – Mayor Pro Tem Bill Foulds motions to approve authorizing the City Administrator to cast the City’s vote with the involvement of Council Member Santos Alba. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- E. Request from Texas Best Show Series to Waive Dripping Springs Ranch Park Rental Fees for a Youth Lamb Show to be held on October 17th and 18th, 2015 (*Sponsor: Mayor Purcell*)
 - 1. Staff Report – Mayor Pro Tem Bill Foulds motions to approve the request. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- F. Request from Master Gardeners of Hays County to Install Landscaping at the Dripping Springs Ranch Park Event Center in Exchange for Holding a Series of Classes in the Special Event Room (*Sponsor: Mayor Purcell*)
 - 1. Staff Report - Council Member Charles Busbey motions to approve the request with the condition that their classes do not preclude a paid event. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- G. Request from the Brent Thurman Foundation to Waive Certain Dripping Springs Ranch Park Fees associated with the Brent Thurman Pro Bull Ride Event to be held on June 27th, 2015 (*Sponsor: Mayor Purcell*)

1. Staff Report – Mayor Pro Tem Bill Foulds motions to approve the request with the condition that staff fees be reduced to the actual City cost. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

H. Engineering Services Agreement between City of Dripping Springs and CMA Engineering, Inc. for South Regional Wastewater System, Wastewater Major Permit Amendment No. 2 (*Sponsor: Mayor Pro Tem Foulds*)

1. Agreement Council Member John Kroll motions to approve the agreement. Council Member Santos Alba seconds. VOTE: 5-0 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
- E. Economic Development Committee
- F. Fiscal Year 2016 Proposed Budget Approval Timeline

XVI. ANNOUNCEMENTS

- A. Regular Planning & Zoning Commission Meeting, June 23, 2015 at 7:00 p.m.
- B. Regular Historic Preservation Commission Meeting, July 6, 2015 at 5:30 p.m.
- C. Regular Parks & Recreation Commission Meeting, July 13, 2015, at 6:00 p.m.
- D. Regular Farmers Market Association Board Meeting, July 14, 2015 at 10:00 a.m.
- E. Regular City Council Meeting, July 14, 2015 at 7:00 p.m.

XVII. ADJOURN – Council Member Santos Alba motions to adjourn. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 8:15pm.